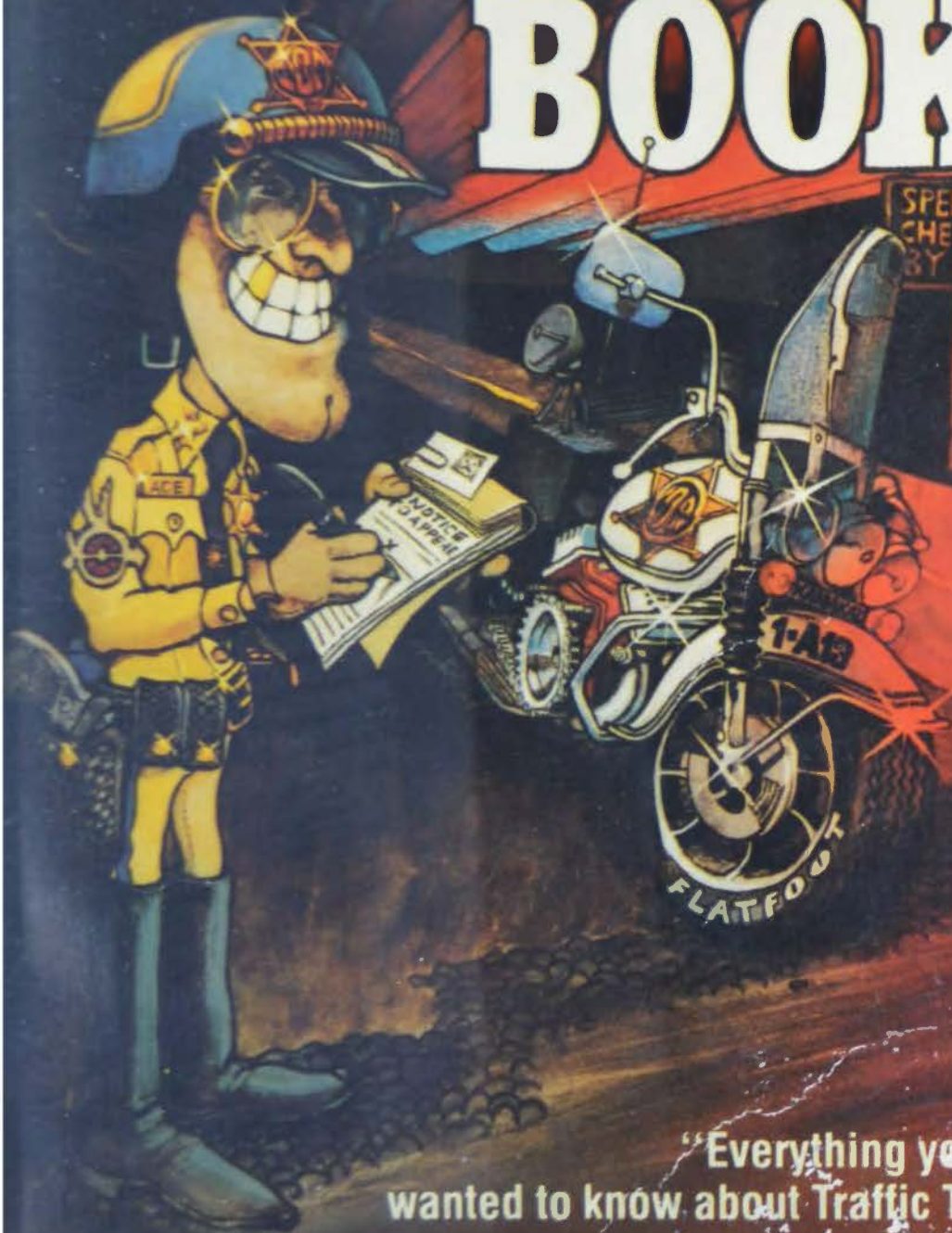
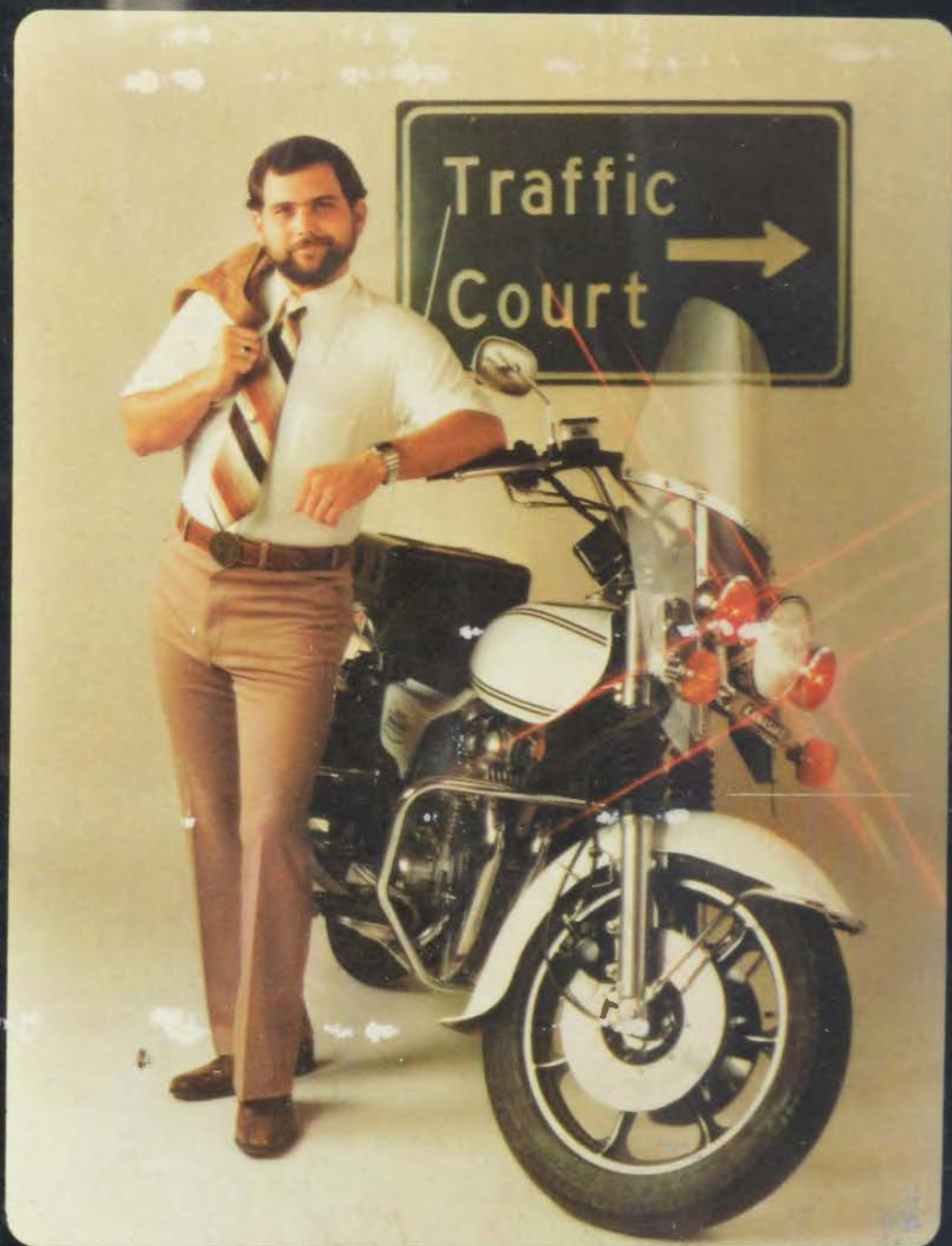


\$6.95

THE TICKET BOOK



"Everything you always
wanted to know about Traffic Tickets
but were afraid to ask."



Rod Dornsife is a former traffic officer who wrote literally thousands of tickets in his 5 years with a major metropolitan police department. In *The Ticket Book*, Dornsife exposes the true story of traffic citations in America, creating a very informative and controversial survival manual for everyone who drives.

THE TICKET BOOK
by
ROD DORNSIFE

*The author gratefully acknowledges the assistance of
Mark Miller in the writing of this book.*

THE TICKET BOOK

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DEDICATION

To Mom and Dad.

Thanks for all the support and help over the years.

ABOUT THE AUTHOR

Rod Dornsife is well qualified to author a book about traffic tickets. The 27-year-old resident of San Diego served as a police officer for 5 years with a major metropolitan police department before writing *The Ticket Book*. During that time he wrote thousands of traffic tickets and worked in nearly every aspect of traffic enforcement. His police experience includes routine patrol, traffic officer, field training officer, radar operation, special drinking driver details and over 2 years as an accident investigator. He received several official commendations for his exemplary work with the police department, including one of his department's highest honors.

During his final year with the police, Dornsife founded and published *Police Product News*, an entertaining trade magazine for police officers. *Police Product News* was distributed throughout all 50 states and more than 36 foreign countries, and rapidly became the nation's leading law enforcement publication. He also established one of the nation's foremost police equipment supply companies.

Dornsife spent over 2½ years in researching, writing and collecting information and photographs for *The Ticket Book*, traveling coast to coast while conducting interviews and making contacts with State Police officials from each of the 50 states.

PREFACE

As a traffic officer for a major metropolitan police department, I wrote thousands of tickets to people just like you, whether you're a student, a housewife or a lawyer. I couldn't help but notice that the people I stopped were both curious and confused about why they were stopped and why I was giving them a ticket. In the less intimidating environment of social gatherings, when I was off-duty and out of uniform, people wanted to know, "What's the inside story?" It seemed that almost every conversation began with, "I got this ticket"

Despite the anger that most people felt at receiving a ticket, very few ever took the matter to court to be decided. Those brave souls who did try to defend themselves were usually unprepared; they were clumsy amateurs pitted against legal professionals. Their defenses seemed to be based primarily on rumors, hearsay and TV shows.

These people were so sure of their innocence that they were willing to give up a day at work to fight their ticket. I felt they at least deserved to have enough information to analyze what had happened to them so they could make an intelligent decision about what to do next. A police officer can turn to a wealth of published information and months of training in enforcing traffic laws, but the motorist has virtually no materials available to him that can explain traffic citations and the system from start to finish.

This book was not intended to help anyone "beat" a traffic ticket, but it may help the motorist to determine whether or not he is truly guilty of the offense, and give him the basics of his defense in court. It was

written and intended as a complete and informative guide for motorists, aimed at clearing up some of the myths and misconceptions that surround the entire subject of traffic tickets. Of course, not all of the specific information in this book will apply to all 50 states, but you will find that the general principles are the same. Police officers, attorneys and judges will find this book useful and enlightening. It is a frank and accurate discussion of the entire traffic law enforcement system, from the officer's personality to the final verdict of the court. I hope this book will help to strengthen the understanding of traffic officers, laws and the courts, and that it will provide you with entertaining and enjoyable reading

ROD DORNSIFE

IN APPRECIATION

Special thanks to Mark Miller whose many hours of writing and research helped to make this book a reality. Mark is a talented and creative writer who has had numerous articles and short stories appear in national publications. Mark also has an extensive background in advertising and marketing.

Also thanks to Dave Deal, 1651 Monte Vista Drive, Vista, CA 92083 whose superb cartooning appears on the cover and the chapter title pages.

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Dale T. Smith, a nationally known expert on the subject of radar and radar detection assisted as a technical advisor on the book, and the accuracy of the technical details is largely due to his expertise.

Appreciation is also expressed to the following agencies and organizations for their contributions and cooperation:

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WESTERN INSURANCE INFORMATION SERVICE,
Santa Ana, CA

and the many manufacturers of both radar and radar detection equipment that were kind enough to provide information and demonstrations of their products.

THE TICKET BOOK

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INTRODUCTION

You're driving along at a comfortable speed, perhaps just a little bit faster than the rest of traffic, nestled in the warm security of your bucket seat and listening to an entertaining program on the radio. Suddenly, your entire mood is shattered by the blinding presence of a patrol car, red and blue lights flashing, high-beams on, spotlights fastened onto your mirrors and the car seems like it's glued to your rear bumper.

You pull over to the side of the road wondering, "Where did that guy come from?" You start thinking of excuses, but you're not really sure why he even stopped you. Shoes crunch on gravel and then he's standing by your door, one hand resting on the butt of his holstered revolver. His face is partially obscured by the brim of his hat and the glare of a flashlight.

"May I see your license and registration?" he says, politely but firmly. He stands motionless as you fumble through your wallet, making excuses. He crouches slightly, fingers clenched on his weapon as you open your glovebox and then he takes both documents back to his patrol car, leaving you to squint into the glare of his lights in your mirrors as you're wondering what is happening to you.

He's back at your door in a few moments. "Sir, I clocked you at 67 miles per hour, which is in excess of the state maximum limit of 55. Sign here."

You sign the citation and then the officer tears out a copy, hands it to you and tells you "Have a nice night and drive carefully." Your tires spit contemptuous pebbles at the patrol car as you pull away wondering, "What did I do wrong? What am I going to do now?"

Now begins a series of tough questions and decisions. The citation seems to follow you around like a lost dog and you find yourself trying to figure all of the angles and possibilities. How do you get rid of the damn thing? Should you just pay the bail and take your lumps on your insurance premiums? Should you go to court and fight it? How strong is the officer's case? Can you win? What's it going to cost you to win? Should you hire an attorney? Are you really guilty of what is written on the citation? There are probably hundreds of questions you're asking yourself, questions that you have no idea where to look to find the answers.

Well, here it is. The answer to all those questions and probably a lot more that you never even considered. In this book we've tried to cover absolutely every facet of a traffic ticket. You'll find all of the answers: Who gave you the ticket, how and why. How to figure out if you're innocent or guilty, whether or not you should go to court and how you should plead. You'll find a lot of information telling you how to prepare your case, how the state is preparing their case against you and what all those terms they use in court really mean. We'll tell you what the verdict is going to mean to you in dollars and cents and how it will affect your driving record, and we'll give you tips on how to avoid being stopped in the future. The traffic law enforcement system is one of the most intimidating systems you will ever encounter in your life, and the officer and the judge are some of the most intimidating people you may ever meet. Going to court inexperienced and unprepared can be a terrifying and disappointing exercise.

We've written this book to tell you absolutely everything you always wanted to know about a traffic ticket, but were afraid to ask. The court system exists to protect you and to give you a chance to tell your side of the story.

After reading this book, you may still fear getting a ticket and going to court, but at least you'll understand the system that you're dealing with. You'll have some practical, realistic insight into everything that's happening to you, and you'll have enough information that you can make an intelligent decision about the alternatives that are available to you. You may even find going to court a challenging, satisfying and enjoyable experience.

WHO IS THIS COP?
Is this guy for real?



WHAT ARE THE DIFFERENT KINDS OF COPS?

There are many, many kinds of cops, covering every imaginable part of our society. There are City, County, State and Federal Police, campus cops, Game Wardens, Park Rangers, Harbor Patrols and Airport Police. There are unpaid Reserve Officers, underpaid regular officers and Private Security "Rent-A-Cops." These cops can be found riding in boats, planes, helicopters, cars, dogsleds, semi-rigs, jeeps, towtrucks, motorhomes, vans, ambulances, buses, trains and subways, or riding on motorcycles, dirt bikes, 3-wheeled scooters, bicycles, snowmobiles, skis and horses.

All these cops look much the same; they all wear uniforms of some kind and wear lots of polished



leather, shiny brass, guns and holsters with chrome snaps and an occasional American Flag lapel pin. All these cops are real, but some are more real than others. This flash of reality tends to occur simultaneously with the flash of lights in your rear-view mirror. The kind of cop who hands you a ticket tends to be the most real of all.

OKAY, WHAT ARE THE KINDS THAT CAN GIVE ME A TICKET?

Generally, we can divide them up as State Troopers and Highway Patrols, County Sheriffs and Constables, and last but certainly not least, your municipal hometown cops. In addition, there are Federal Police like the M.P.'s who can give you memorable tickets on federal property and military reservations, but most of the 82,000 or more tickets written *each day* in the United States will fall into one of the above three categories.

To give some perspective to the number of cops involved, there are approximately 23,000 law enforcement agencies in the U.S., employing between 1 and 35,000 officers per agency. These officers are on the streets 24 hours a day, seven days a week, Sundays and holidays, 365 days a year, ready to give you a ticket.

No matter which kind of cop invites you to traffic court, the principles and methods described in this book will prove to be invaluable in your dealings with the mountains of legal technicalities and rituals in the traffic ticket system. Our traffic courts can be far more confusing than your tax forms, and much less forgiving

than the I.R.S. The big difference lies in the fact that you can't turn to an H & R Block to help you with your ticket; this one's between you, the officer and the judge.

HOW DO I KNOW WHO THIS GUY WORKS FOR?

Usually, the officer's agency is painted on the doors and often the trunk of his vehicle, and will also appear on his badge, nameplate and shoulder patches. The most positive method of identification is by reading the fine print on the citation he may hand you. This method is generally regarded as less desirable than the others.

HOW WIDE AN AREA DOES THIS GUY COVER?

The size of the officer's patrol area or "beat" will vary with his particular agency and assignment. The beat may be as small as a single city block, or may cover a set of highways equal in size to one of our smaller states. With many state agencies, the territory will cover a specific section of highway, bordered at each end by specific cross-roads or off-ramps. The size of the territory will usually be determined by the amount of traffic flowing through the area.

HOW MANY TICKETS A DAY DOES THIS COP WRITE?

Once again, the numbers will vary depending on the

Usually the officer's agency can be easily identified from his uniform.



officer's particular assignment. A patrol officer in a residential area may write as few as one each week. The State Trooper, on the lookout all day for moving violations or working a radar car may write 50 or more each day. When you're talking about the daily number of tickets produced by a parking control officer, you may be talking about *hundreds*. On a national average, the average officer produces perhaps 1 to 3 a day for non-traffic officers, 10 or more a day for traffic officers.

DOES THIS GUY HAVE A QUOTA?

Absolutely not, he can write as many tickets as he wants.

WHAT I MEANT WAS, DOES THIS GUY HAVE A *MINIMUM* QUOTA?

That's the one question most citizens will ask an officer. Most officers will answer, "No," . . . but the answer is really, "Yes." The answer will sometimes vary, depending on the rank of the officer and who is asking the question. Up until recent years, many departments had actual quotas, specific numbers of tickets that each officer was expected to write each day. Today, most of these formal quotas have been abolished by public pressure. Most police administrators will assure you there is no form of quota.

However, in most law enforcement agencies, the individual officer's work is judged by his performance within his peer group. If the number of tickets an officer writes falls short of the number written by his

peers, his supervisors will take that as an indication that the officer's performance or eyesight is substandard. It becomes a race within a group of officers. Nobody wants to be last, but on the other hand, nobody wants to be first. If you come in first in the ticket race, the other officers in the group will accuse the leader of being a "Hot Pencil" or "Hot Dog" and hold him responsible for raising the average and causing the entire group to work harder to stay "average." Ideally, each officer wants to finish just a little above average, so as a result the actual number of tickets written rises slowly but surely, day after day, until some officers give up and face the fact that they are going to be last. If this happens with more than one, the average starts dropping.

In the ticket race, the guys that come in up front most of the time (although not necessarily first) are often the ones who are promoted into detectives, motorcycles, and other desirable positions. This tends to be one of the incentives for winning in the ticket race.

DOES HE GET THE SAME AMOUNT OF CREDIT FOR ALL TYPES OF TICKETS?

No, but each officer is expected to write a wide variety of tickets. The officer has to write a sprinkling of equipment violations and warnings to prove he still knows all the rules of the game, but the "hazardous" or moving violations are the ones that really chalk up the brownie points in the ticket race.

HOW MUCH TRAINING DOES A COP HAVE IN TICKET WRITING?

Actually, an officer spends very little time learning to *write* tickets, after all, there aren't that many blocks on the form and all of them are labeled. The real training comes in the officer's use of the Véhiclé Code, a virtual Sears Catalog of different ways he can give you a ticket. A traffic officer is encouraged to take a copy of the Vehicle Code with him to bed, to meals and when he goes to the bathroom. When they know that book inside and out, they have a tremendous advantage over the unsuspecting motorist who is blissfully unaware of the thousands of ways to run afoul of the law.

The final proving ground for the officer's training is in court. Officer's tend to learn quickly from their mistakes, particularly when they are under the unforgiving eyes of the judge.

DOES THIS GUY USUALLY WORK ALONE?

That will depend on the type of officer and the territory. If you were stopped by a motorcycle officer, the chances are he was working alone. Motor officers feel silly riding double, it's bad for the image and the radio box on the rear of the bike is very uncomfortable. Many traffic officers in cars also work alone, although some agencies always run two-man cars at night. If the territory tends to be particularly hazardous to a single officer's health (due to marauding motorcycle gangs frequenting the area, etc.) two-man units may be used all the time.

Traffic officers sometimes work in pairs, but usually work alone.



Most traffic officers consider themselves lone hunters in the traditional image, stalking the wild motorists through the asphalt jungle.

WHO MAKES SURE HE'S REALLY DOING HIS JOB?

The average traffic officer has more people watching him than a football quarterback on Superbowl Sunday. Just about everybody gets into the act, the citizens of the community, the police administration and the courts.

A traffic officer by the very nature of his profession maintains a high profile in the community. His plainly marked car with its flashing lights readily becomes the center of attention for passing motorists. Often, a citizen will form an opinion that an officer was unfair, too lax, too zealous, or even that he is just lingering in an area too long. The public questions the officer's performance by calling or writing the station, the city council, or even the local newspapers. These are some of the hardest complaints for an officer to respond to, as the complaints are often ambiguous in nature and lacking in detail.

The officer's immediate supervisor, often a sergeant, examines the officer's tickets periodically to determine which areas the officer is covering and which types of violations the officer is writing. The sergeant is usually very good at pointing out little mistakes the officer may have made. Of course, the sergeant is not the one standing on the highway with passing trucks and cars



More than anyone else, the citizens make sure that the police are doing their job.

taking aim at his body, shouting obscenities and blowing the hat from his head and your driver's license from his hands.

The prosecutor is the one that really irritates the officer the most. He's often fresh out of law school and the extent of his knowledge of vehicles was learned pedaling his 10-speed from class to class.

The judge is also very good at finding mistakes. This criticism is the most embarrassing as it's usually in court in front of the violator, the prosecutor, and an audience of other officers and curious citizens. The sergeant, prosecutor and judge are all experts at Monday-morning quarterbacking.

HOW MUCH DOES THIS GUY GET PAID?

Most officers salaries place them in the middle class or lower-middle class of their communities. The actual figures range from a low of \$600 per month to a high of \$2,000 per month. Many officers work at second jobs or part-time jobs to supplement their incomes, often taking positions as bouncers, security guards or other law enforcement related occupations. The agencies tend to frown on outside work such as this, but the practice is widespread.

Contrary to public opinion, the officer doesn't receive a kick-back or commission on the tickets he writes.

WHY WOULD ANYONE WANT TO BE A COP?

This question probably ranks as #2 on the Ten Most Asked Questions list and is one of the most difficult questions to answer, because the motivations vary so widely from person to person. Some officers are in it for the money, job security and the unique working conditions; a fast car someone else maintains, fresh air and an infinite variety of people and situations. Others see themselves in the lone hunter image, the knight in shining armor out to slay the dragon, or Wyatt Earp up against the bad-guys at the O.K. Corral.

Many officers derive tremendous self-satisfaction from their work, a feeling of achievement and accomplishment. The mere fact that he was accepted out of literally hundreds of candidates boosts the officer's ego. The selection process and the training are very selective and very intense, graduation from the Police Academy is an accomplishment in itself.

Another major factor in the motivation to become a police officer is the excitement of the job. The officers' backgrounds are often adventurous in nature, such as fighter pilots or Green Berets. Whatever motivations the officer gives in his application to the agency, it will be carefully examined by department administrators and psychiatrists. Those who have applied for the wrong reasons (I wanna kill! I wanna badge! I wanna shoot and thump heads!), will usually be dropped from the eligible list.

CAN I RIDE ALONG WITH HIM?

Many agencies have a regular "Ride-Along" program. You'll have to inquire and apply at your local Police Department. Most agencies will require you to sign forms releasing them from liability in case you're shot, raped, or otherwise injured while accompanying the officer.

A Ride-Along with a regular officer on routine patrol can be quite enlightening for both of you. If the agency runs two man patrols, you'll have to ride in the back seat, often with a cage (barrier) between the front and rear seats. This can prove to be embarrassing if you happen to be observed by friends or relatives. Their immediate assumption is that either you were just arrested, or that you've switched sides and become a police informant. This may be really awkward to explain.

If your local agency doesn't have a regular Ride-Along program, they may honor your request if you have a specific reason. Allowing citizens to observe police procedure first-hand has proven to be excellent

public relations for the law enforcement agencies.

If you do ride along there are two important things to remember. First, always do exactly what the officer tells you to do. Second, don't be afraid to ask questions about *anything* you don't understand. Most officers will be very cooperative in answering all of your questions.

DOES HE REALLY CARE ABOUT TRAFFIC SAFETY, OR IS HE ONLY INTERESTED IN HOW MANY TICKETS HE CAN WRITE?

All officers are concerned about traffic safety from a professional viewpoint, it is part of his job. Whether or not he has any personal feelings about traffic safety will vary between individual officers, depending upon their emotional outlook and their experience. An officer who has seen a large number of accidents caused by bald tires may give tickets to every car he can find with that condition. If his usual beat has a high number of high-speed accidents, he may be on the lookout specifically for speed violations.

As previously discussed, the officer does have an interest in the number of tickets he writes. Whether the officer's motivation stems from an interest in traffic safety or an interest in satisfying his supervisor would be difficult to determine.

IS THIS JUST A GAME TO HIM?

No, traffic enforcement is a profession and his livelihood. However, as with all professions, the officers work games into their daily routines to make the job

more enjoyable. Unofficial contests are held, with the winner being the one who wrote the most tickets, the fastest speed, the most impressive car or the most important person. Officers delight in telling tall tales of "the one that got away," of bizarre propositions made by females ("Yeah, when I walked up to the door her skirt was up around her navel!"), or the number of times a single motorist had fallen prey to the officer ("Twenty-second time I've stopped that same Porsche!").

Other officers are into the lone hunter game, hiding in the bushes waiting for the trophy Ferrari to come down to the water hole or on safari, stalking semi-rigs across the empty plains.

These little games are not necessarily a reflection of the officer's maturity, but rather a natural reaction to the type of work. A good analogy is the cowboy working the herd, chasing strays and cutting them back into the flow of the herd. After work, the cowboys would sit around the campfire and entertain each other to break up the tedium of the job. Many officers see themselves in the same way, keeping the herd of cars moving and cutting out the occasional stray.

WHY DOES THE OFFICER ACT AND TALK SO EMOTIONLESSLY AND WITH SO LITTLE FEELING?

Everytime you get a ticket, it's an emotional experience for you. To the officer, there is no reason to get emotional. You represent a number on his daily activity report, one of hundreds, or possibly thousands of tickets he will write that year. In addition, the officer



has a responsibility to be impartial and fair in the way he handles your ticket. When he walks up to the car, his mind is already made up, either you committed a violation for which he will cite you or you didn't.

When the officer is speaking to you, his mind is on many other things. He's watching you to make sure you don't pull a gun, he's watching traffic for other violators, for stolen cars and to avoid being hit, and he's keeping an ear tuned to his radio. The things he says to you ("This is not an admission of guilt, but only a promise to appear.") are well established routine that he may not even think about when he's saying them.

IS HE JUST HAVING A BAD DAY, OR IS HE ALWAYS LIKE THIS?

Chances are, he's just having a bad day. The traffic officer is human like anyone else, he's got a wife and screaming kids, he's got house payments he's worrying about and a sergeant who wants him to bring up his ticket average. He's got to deal with people all day long, and almost no-one is glad to see him.

I DON'T LIKE THE WAY HE HANDLED THE SITUATION. HOW DO I COMPLAIN ABOUT IT?

First, sit down and analyze the situation. Do you have an axe to grind or is this a legitimate complaint? Next, write down all the details, not your impressions but, as Jack Webb was fond of saying "Just the facts." Include any direct quotes from the officer that you recall, and remember, if you had a difference of opinion

A ticket is not an emotional experience for the officer, simply one facet of his job.

with the officer he may have taken notes, too.

With the information at hand, you can either call or write to the agency involved, or to the city council or mayor's office. Perhaps the best way is to write to the Chief's office. Usually, someone from the agency will contact you and discuss all of the details of the incident. If they feel that your complaint is justified, action will be taken and you'll be informed.

Remember, any complaint you make should be outside of the scope of your actual violation. If you disagree with the ticket itself, that should be handled in court.

IF HE TREATS ME WELL, WILL IT HELP TO THANK HIM?

A verbal "Thank you" to the officer may help his ego and make life generally more pleasant, but it doesn't really help the officer much. It certainly won't affect your ticket or the way the case is handled in any way.

A written "Thank You" can make the officer's day. These letters, called "Citizen's Commendations," will often be read at roll call and will be entered as a part of the officer's permanent record. This record contains all sorts of notes and letters, including complaints, from citizens, his peers and his superiors. A good commendation letter is worth big brownie points; it helps his chances of promotion and advancing his career. After all, how many times do people thank him for his type of work?

IS THIS HIS FIRST TICKET? HOW CAN I TELL?

Watch the officer carefully when he fills out the ticket. If he seems unsure of himself, reads all of the blocks, requires repeated coaching from his partner (Who calls the officer "Son"), isn't quite sure of where you should sign and still has price tags dangling from his uniform, there's a good chance that the officer may be lacking in experience. Many citizens just ask the officer, "Is this your first ticket?" and many experienced, veteran officers will say "Yep, it sure is."

Sometimes the cops make little mistakes, too, but usually there's nobody around to recognize them when they occur. Some mistakes are more obvious than others.



DOESN'T THIS GUY MAKE MISTAKES TOO?

No, never. Well, sometimes. Actually, pretty often, but the chances are very slim that the average citizen would ever recognize the mistakes when they do appear. A much repeated phrase at the Police Academy is, "If you don't know what you're doing, at least act like you do." In future chapters we'll discuss how to spot mistakes and what effect they can have on your ticket.

DO COPS GET TICKETS TOO?

Almost never. The law enforcement officers of the United States feel a great deal of brotherhood with each other and extend a so-called "professional courtesy" to other police officers. When an officer is traveling on vacation with his wife and kids and is stopped by the local police, he need only identify himself and what would have been a ticket becomes a friendly warning. Presumably, the stopped officer will reciprocate the goodwill in his own city to officers and citizens from the local in which he was stopped. We won't attempt to rationalize the ethics of professional courtesy, after all, if you're reading this book the chances are you're not a police officer anyway. Claiming to be one will only get you into deeper trouble.

There are certain circumstances in which an officer may receive a ticket. If he has a bad attitude or an insulting manner, he may get the traffic officer mad enough to give him a ticket. In really flagrant violations such as reckless driving or high-speeds, the officer is not cited, but a letter or memorandum is sent to the officer's agency. Complaints of this nature are often

handled by the dreaded head-hunters of the Internal Affairs Division, and can spell the end to an officer's career.

DOES HE EVER GIVE BREAKS?

Yes, but it's really unpredictable how the officer will react to a given situation. If the sun is out, the birds are singing and he's already the unquestioned leader in the ticket race, it could be your lucky day.

"Alright, Sister, out of the car!" Traffic officers might be more inclined to give a driver a break if there's some special circumstances.



WHY WOULD HE GIVE SOMEONE A BREAK?

He's human, and as such is subject to all the little subtleties that affect our decisions. They teach him to make his decision before he ever approaches the motorist, but when he's suddenly confronted with a carload of nuns the situation can change. Maybe the officer likes you, maybe he likes your car and just wanted a closer look, or maybe he comes to the realization that his case against you isn't all that strong. Maybe you had a particularly heart-rendering explanation ("My wife's in the back seat giving birth to sextuplets! Look! That one's number five!").

If a traffic officer gives you a break, don't question his motives. Just accept the fact and proceed on your way. But don't be fooled into thinking that because you got away with it once, you'll get away with it again. Under the exact same circumstances another officer might have given you a ticket.

IS HE PREJUDICED?

Webster's Unabridged Dictionary defines "prejudice" as 1) a judgment or opinion formed before the facts are known; preconceived idea, favorable or, more usually, unfavorable. 2) a judgment of opinion held in disregard of facts that contradict it; unreasonable bias; as, a prejudice against Northerners. 3) the holding of such judgments or opinions. 4) suspicion, intolerance, or hatred of other races, creeds, regions, occupations, etc. 5) injury or harm resulting as from some judgment or action of another or others. 6) foresight (Obs.).

We wouldn't want to say that any officer was 'prejudiced,' but you've got to admit that the odds of the

officer falling victim to one of the above definitions have to be pretty high.

WHY DOES THIS GUY WANT TO WRITE ME A TICKET?

Don't take it personally now, the officer doesn't want to give *you* a ticket. Many times an officer hears, "But I'm a good driver, twenty-seven years without so much as a warning. Why do you want to give *me* a ticket?"

Well, the officer was out in the field to write violators tickets, and *you* were the one who attracted his attention. If you've made it twenty-seven years without even a warning, it just means that you got away with a lot of violations.

DOES HE KNOW WHO I AM?

Just about every citizen who gets stopped by the police begins with "Do you know my ol' buddy, Officer, ah, can't think of his name right now. Oh yeah, Bill! Do you know Bill? Big fella with a mustache, always wears sun-glasses?" or "I'm a good friend of Judge Jones," or "Do you know that my husband owns the entire block on the southeast corner of Puckett and Main, and that he pays a lot of taxes, and that makes him a taxpayer and since you get paid with tax money that means that . . ."

Few traffic officers are impressed by the number of your acquaintances on the social register. Traffic officers have written tickets to Governors and the President of the United States. No matter who you are, now's the time to develop a taste for humble pie.

IS HE INTERESTED IN WHAT I HAVE TO SAY?

Usually not, but he'll let you go on talking anyway. Most officers have developed the skills required to carry on a conversation and write out a citation at the same time. If your story's particularly interesting he may even look up from the ticket occasionally. If you're dumb enough to admit you were wrong and then try to explain it all to the officer, he may even take notes on what you say. These words may haunt you again when it's your day in court.

DOESN'T THIS COP HAVE ANYTHING BETTER TO DO?

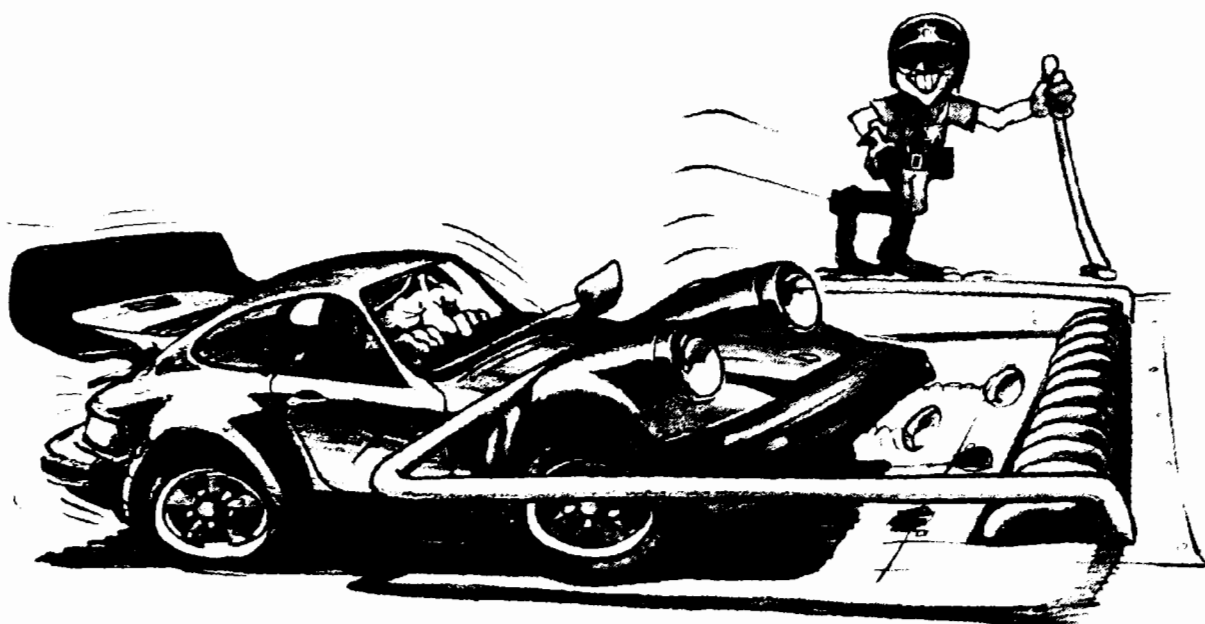
In the United States, more lives and property are



lost due to traffic accidents than are lost in all other crimes combined. Studies have shown that a direct relationship exists between the number of citations written and the rate of injury and fatality accidents. Usually the cop who writes you a ticket is assigned specifically to traffic law enforcement.

A popular saying is, "There's never a cop around when you want one, but always one when you don't." The truth of the matter is that the one that's "always around" is usually a traffic cop.

GOTCHA!
You get a ticket.



WHY DID THE COP PICK ME?

Chances are, it was something about your car or the manner in which you were driving that attracted the officer's attention. Anything that makes you stand out from the crowd is likely to get you in trouble. If you're moving faster than the rest of the herd, or straying away as you pass and weave through the slower cars you're a dead giveaway to the alert officer.

High performance cars, with fat tires, hood scoops and elevated rear-ends are prime targets, as are most sports cars and just about anything with decent mufflers.

Other subtle things which can draw an officer's interest are driving on the wrong side of the highway

Was there anything in particular about you that might have attracted the officer's attention?



or blowing through a red light. The fact that you broke a law may be the primary reason for stopping you, it's always open season on violators.

WHY DIDN'T HE PICK THE OTHER GUY?

What other guy? Nine times out of 10 the other guy *was* you!

CAN AN OFFICER STOP TWO OR MORE MOTORISTS AT THE SAME TIME?

Yes, depending on the officer's skill and ingenuity. I've had as many as five cars lined up and waiting for tickets when working a two-man radar unit. On the highway, it's a relatively easy maneuver to stop two motorists. As the primary (fastest) target begins to slow and pull over, the officer fades back to the second car and waves him in. A group of trucks, or "convoy" are easy pickings for the experienced officer. His handling of the patrol car could put a cowboy's prize cutting-pony to shame.

DOES HE HAVE TO HAVE A REASON FOR STOPPING ME?

Yes, the law says that he must have a reason for stopping you. This falls under the domain of "probable cause," the reasonable suspicion that you violated the law. Whether you have actually violated the law or not is irrelevant, he need only have that "reasonable suspicion." We won't try and play Perry Mason on this one; the definition and use of probable cause changes

daily with almost every court decision. Police officers train extensively in probable cause and get daily updates.

There's a story told at the Police Academy about traffic officers. They claim that if you took two brand new cars straight off the assembly line in Detroit, and dropped them in the middle of the desert, a good traffic officer could write them at least three citations. If the officer doesn't seem quite sure about why he stopped you, don't worry. He'll think of something before he's done.

DO I HAVE TO STOP FOR HIM?

No, but if you don't he may shoot out your tires and ram you repeatedly. "Failure to Yield" as it's known, is something that many officers get real touchy about. It's not a fair move in the traffic game and if you don't play by the rules, neither will he.

One of the most frustrating things that can happen to a traffic officer is to try to pull over an elderly person with a hearing problem, or a van with curtains in the rear windows and the stereo blasting away at the occupants. If the person is proceeding slowly and lawfully, without representing a threat to lives or property, it becomes difficult to justify shooting out the tires or ramming and causing a horrible fiery collision. Often, before the officers manage to get the vehicle stopped, the parade of police cars behind the offender becomes long enough to rival the lighted splendor of the Las Vegas strip.

It should be noted that failure to yield is a violation in itself which the officer will gladly add to your cita-

tion. It can also get you arrested and treated like a criminal. A so-called "felony stop," which is justified by a failure to yield, is an exciting experience in which you can learn to lie face down and spread-eagled on the asphalt.

HOW DO I KNOW THE GUY THAT'S STOPPING ME IS REALLY A COP?

Unfortunately, you can't *always* be 100% sure. If you were breaking the law; if the car that's behind you is painted identically to other local police cars and has lights and sirens; and if the guy driving the car has a uniform with a badge and a gun; then the chances of him being a real cop are pretty good. If he sounds his *With the special markings, uniform, equipment and license plates most cops are easy to identify.*



siren as well as displaying a light, it's a good indication that he's a genuine cop as few criminals would be bold enough to draw so much attention to themselves. If you aren't sure the cop is real, few officers will get excited if you drive a *short* distance to a well-lighted location before stopping.

DOES THE OFFICER HAVE TO BE ON DUTY?

No, but if you're seriously worried about being stopped by an off-duty officer you'd better take a close look at your driving habits. Most officers get enough action during working hours to lose interest in stopping wayward motorists on their off hours. Once he does stop you, he has to get an on-duty cop from the local jurisdiction to borrow his citation book. The traffic cop may sleep with his copy of the vehicle code, but he doesn't necessarily carry his citation book close to his heart at all times.

Many motorcycle officers take their bikes home with them, and will cite you for the really flagrant violations. However, any violation so flagrant as to warrant an off-duty officer to stop you is much more likely to inspire a truck driver to punch your lights out at the next signal.

CAN THE OFFICER BREAK TRAFFIC LAWS TO CATCH ME?

No, most vehicle codes apply to all vehicles, even police cars. The only time police vehicles are exempt

from the traffic laws is when they are traveling with lights and siren.

Common sense can tell you that the officer can't catch you unless he's going just as fast as you are. The officers have also found that trying to pace motorists with the lights and siren on just didn't work, most drivers noticed and slowed down before the officer had a chance to pace them. In reality, the officers have to break a few laws in order to catch the average speeder, but after all, that's why he's out there.

HOW FAR CAN THEY CHASE ME?

Generally speaking, an officer in pursuit can chase

They're ready to chase a violator just about anywhere.



you until he catches you. As long as he starts the pursuit within his own jurisdiction, he can follow you in continuous pursuit across municipal, county, and even state boundaries. The ability to cross state lines depends on whether those particular states have a mutual agreement regarding "hot pursuit." Anytime you head for a state boundary, you can almost be assured that law enforcement representatives from the new state will be on hand to greet you and carry on the pursuit. Chances are that sooner or later you'll either stop (for gas, or to go to the restroom) or be stopped (à la the bulldozer blockade in the movie "Vanishing Point").

About the only thing beyond the officer's chase range is another country, like Mexico or Canada. A police car from the U.S. which ventures into Mexico will often be impounded by the Mexican authorities, along with the officer's gun and sometimes the officer himself. If they treat a fellow officer with such friendliness, just think how happy they'll be to see you, the violator.

WHERE DOES THE OFFICER'S JURISDICTION END?

Generally, any peace officer of a state has police powers throughout that state, even though his routine duties may be confined by the limits of his own city, county or beat. With the exception of Federal officers, this jurisdiction usually ends at the state border, and in all cases at the international border.

One exception is the Tribal Police, established on Indian reservations under the authority of the Bureau



of Indian Affairs. These agencies function independently in what amounts to an almost sovereign nation. Their jurisdiction is confined to the limits of the tribal reservation.

DO I HAVE TO STOP IN A LEGAL PLACE?

No, but you should make it a point to stop in a safe place. The color of the curb isn't too important, but it's a good idea not to block driveways or traffic lanes, or to pull into a parking lot or other private property. Don't stop too quickly either, as two tons of police car can make quite an impression on your rear bumper.

SHOULD I GET OUT OF THE CAR?

No, just sit still and keep your hands in plain sight. The officer's approach to a vehicle is the most dangerous time for him. He's going to be very cautious and wary of your actions. Do what you can to put him at ease. Now is a good time to sit back, relax, and think up a good excuse.

DO I HAVE TO GET OUT OF THE CAR IF THE OFFICER ASKS ME TO?

This is an answer that changes all the time with various court decisions. The constitutional right to remain in your car has yet to be decided beyond question. Most officers will exercise common sense and won't have you standing out in the pouring rain. If an officer asks you to step out of the car, he's probably got a good reason for it, so play along with him. It's his game, and

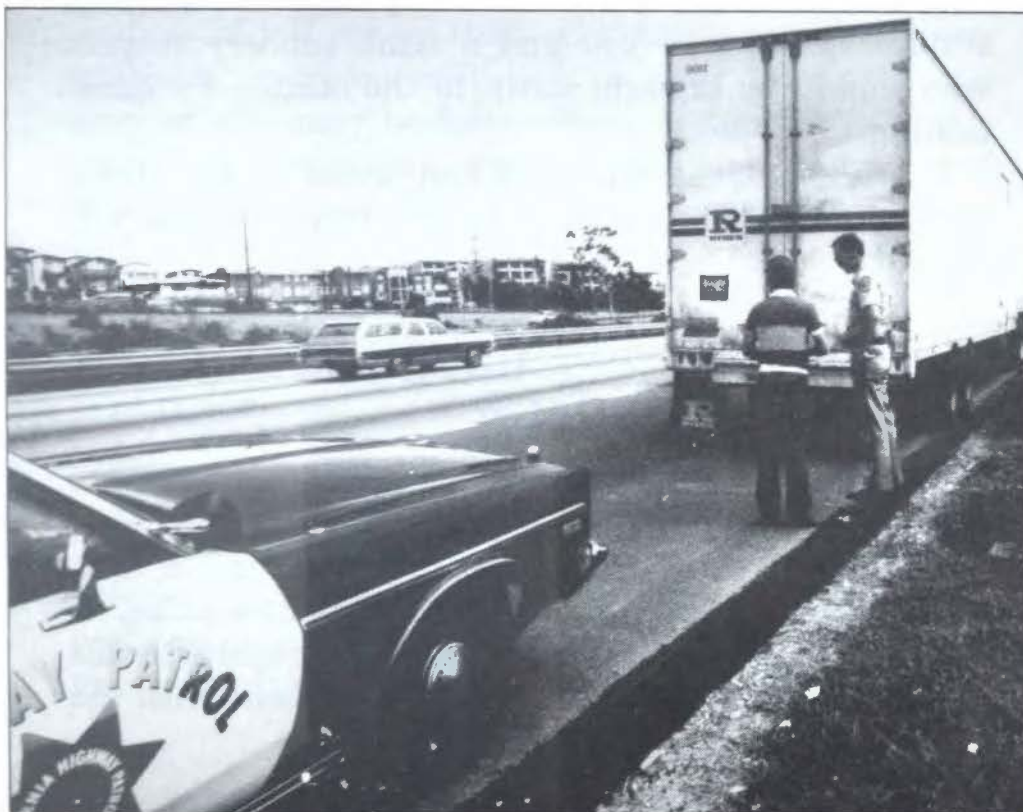
you've got nothing to lose by humoring him.

If getting out of the car means that much to you, you're probably trying to cover up for a criminal matter beyond the scope of this book. Whether you signed your ticket while sitting or standing may affect your penmanship, but it won't affect your traffic case.

DO I HAVE TO ANSWER THE OFFICER'S QUESTIONS?

No, you don't have to answer any questions, just like it says in the Fifth Amendment of the Constitution. On the other hand, you don't have to yield to an oncoming

Having a pleasant conversation by the side of the road can be difficult, but you're usually better off if you answer the officer's questions.



semi-rig that just blew through a stop sign, but it might be a good idea.

Rather than ignore the question, try changing the subject on him. Comment on his driving skills, his posture and grooming, or how much weight he's lost since the last time he stopped you. Chances are he's not going to actually forget the question, but he may realize that you don't want to answer.

DO I EVEN HAVE TO TALK TO HIM?

Technically, no. Some people just open their windows a crack and slip their license through while staring straight ahead. Rookie officers get very frustrated in dealing with this situation. A seasoned veteran will just slip a lengthy ticket back through the window with a smile on his face, or suddenly notice the striking similarity between you and a bank robbery suspect who should be brought down to the station for questioning.

The silent treatment is a bad tactic in the ticket game. You've got nothing to lose by trying to talk him out of it.

DOES THE OFFICER HAVE TO TELL ME WHY HE STOPPED ME?

Yes, the officer should make his reasons very clear to you why you are being stopped, however, he won't necessarily say anything about it unless you ask him. Proper traffic etiquette for the officer demands that he inform you of his reason for stopping you right after his cheery, "Good morning." If the officer opens with the

question, "Do you know why I stopped you?" he is demonstrating very bad technique. He's leaving himself open for the quick comeback, "No, I thought for sure that you would, Officer!"

WHAT DO I HAVE TO SHOW HIM?

A little courtesy helps, but you *have* to show him your license and registration. If your license (or Learner's Permit) specifies that you need glasses, you had better be wearing them or be able to show the officer your contact lenses.

Pull your license and registration out of your wallet, purse, envelope or any other container they may be in. Not only does the officer want to avoid sorting through your pictures of the kids, your old trading stamps and laundry receipts, but he wants to avoid any possible charges of bribery or theft. Handing the officer your wallet is an open invitation to have him take any amount of money he feels would be appropriate for a bribe, and was quite common in the past. Today, most officers will insist that you remove your license from your wallet.

WHAT IF I DON'T HAVE MY LICENSE WITH ME?

It's not a big problem if it's during daylight, if you look like an "honest" citizen, if there's a key in the ignition and if you really have a valid license. Be prepared to tell the officer the name and address of the registered owner, and bear in mind that he may look under the front seat if you've conveniently left your

wallet “in my other pair of pants.”

Many times a motorist will give the old “other pair of pants” excuse (and often it’s perfectly true) and then produce a wallet with all sorts of credit cards when the officer demands some other form of identification.

If you don’t produce a license, don’t be surprised when this charge is added to your citation. Most courts will dismiss this so-called “Document Citation” if you can present a license in court which was valid at the time of your violation.

WHAT IF I DON’T HAVE MY REGISTRATION?

How this is handled depends on the officer. If everything else on the car is squared away, the car has current registration tags and if you are the registered owner (or at least can identify the owner) there may be no problem. As with your license, this falls under the category of a Document Citation which can usually be dismissed by presenting the registration in court.

The missing registration is a common occurrence, few people know the exact location of that paper in their cars. Most officers will anticipate the fact that you may have to spend a little time looking for it. Common sense should tell you not to lunge for the glove box or dive under the seat without telling the officer what you are doing and why, before you do it. Don’t ask to borrow his flashlight either—that’s a common request, but a tacky one. He’ll be glad to hold the light for you.

Many officers would rather look in your glove box than have you rummage through it. Ask him if he wants to; he’ll appreciate your consideration.

WHY WAS HE SO NOSY ABOUT WHAT I WAS DOING?

He's suspicious about everything, it's his job to be nosy. Primarily, he's trying to determine the true reason why you violated the traffic laws. Is the car stolen, are you speeding away from the scene of some heinous crime or are you just late for work?

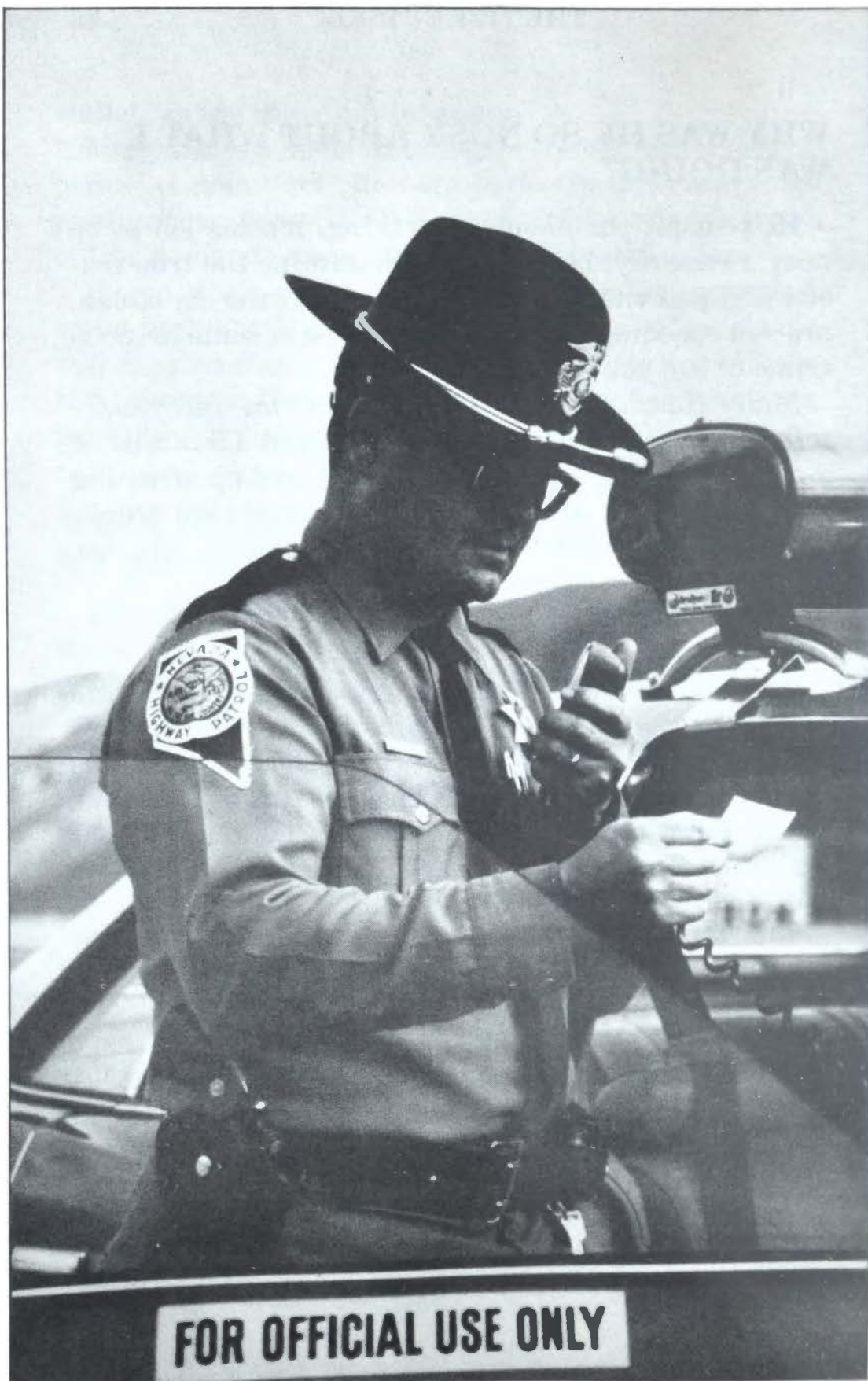
Many times, the officer's curiosity can uncover totally unsuspected crimes. Once I stopped a motorist at 3 AM to cite him for bald tires, and ended up arresting him for murder after locating a body in the trunk. There's a reason for being nosy.

CAN HE SEARCH MY CAR?

The law allows the officer to search your vehicle providing that he has the "probable cause" that we previously mentioned. Whether or not a search was legal is something for you and your attorney to work out in your defense. Probable cause is not a subject for amateurs, and most attorneys charge you enough to qualify them as experts.

WHY DID HE TAKE MY LICENSE AND REGISTRATION BACK TO HIS CAR?

He might have returned to his car for any number of reasons, to use his radio, to consult his vehicle code, to get some coaching from his partner or just to get out of the rain. He may have taken your papers with him for two reasons. First, it's unlikely that you'll drive off and leave them behind, and second, he probably wants to



run the information on your license and registration through his computer.

Don't worry about the officer going back to his car. He'll be back soon enough.

IS THERE ANY WAY I CAN AVOID BEING RUN ON THE COMPUTER?

Not really. The use of the computer is at the officer's discretion and you've just got to take your chances. You can decrease your chances of being run on the computer by keeping your license and registration updated and by looking as innocent and honest as John-Boy Walton.

On the other hand, if all your papers are already in order, you shouldn't be concerned about being run on the computer.

DOES HE KNOW MY RECORD?

No, not unless he has had a previous experience with you personally. He does have access to your complete record through the use of his radio and the central computer system, but will rarely ever check for complete information. Usually the computer check consists of only a search for warrants and stolen cars.

SHOULD I ADMIT TO THE OFFICER THAT I WAS WRONG?

This is one of the toughest questions of all to answer; it amounts to the choice between the lady and the tiger. Guess wrong and you've had it. If you admit to

the officer that you had violated the law, are very cooperative and say, "Gee, Officer, I just don't know what came over me," he may let you off with a warning. On the other hand, if he doesn't let you go, your admission of guilt virtually destroys any hope you had of defending yourself in court.

As a general rule of thumb, always admit as little as possible, and admit nothing at all if you intend to fight your case in traffic court.

WHAT ARE THE CHANCES OF TALKING HIM OUT OF IT?

About 10%. This depends on the nature of the viola-

The chances of talking him out of a ticket are pretty slim.



tion, your attitude and speaking skill, what kind of day the officer has been having and his current standing in the ticket race. Even at 10% odds, it's always worth trying.

DOES IT MATTER IF THE OFFICER IS ALREADY WRITING?

Once he starts writing, you're dead. The citations in his book are issued to the officer by number, and he must account for every one. In order to void out a citation, he has to fill out a lengthy form and do a ton of explaining to his sergeant. The officer can't just rip up a citation and say, "Okay, I'm going to let you off." Once he prints your name at the top of the ticket, it's as permanent as if it were engraved.

Some officers will even tell a citizen, "I'm sorry, but I already started writing." Even though he's committed to issuing the citation, he can still write it up for a lesser violation than the one he originally stopped you for. If you can talk him into changing a speed ticket into a ticket for not having a driver's license it would be a real break for you, one easily dismissed in court by showing up with the valid license.

WHICH EXCUSES WORK?

"I guess my gas pedal stuck." That's one that never works. The only excuses that really, consistently work are the ones which are valid reasons. These reasons include the following:

"My wife's having a baby!" This one's usually good if it's true. If it's not true, you're in a world of trouble



"What do you mean, 'Where's the fire?'" Some excuses are better than others.

because the officer is usually going to either drive or escort you straight to the hospital and your wife's side. If your wife isn't there, or isn't pregnant, you're in for a big ticket.

"I'm a volunteer fireman, and *your* house is burning!" Always good with proper identification and a rising column of smoke in the distance. If your town doesn't have a volunteer fire department, you've got some explaining to do.

"We're undercover police officers and we were tailing a suspect." With badges and a police radio you're home free. Without badges and a police radio it's up the river for impersonating an officer.

"I'm a doctor on my way to the hospital to perform an emergency frontal lobotomy!" Once again, this is a good one if true. The officer may have his dispatcher call your office to check on your story, or may follow you right into the Emergency Room to verify. If they're not waiting for you with a warm body on the table, you're a goner.

Lying to the officer is really dumb, and getting caught is the worst thing that can happen to you. Not only will you get a ticket for the original violation, but you will get an additional citation for providing false information and destroy your credibility in court should you attempt to fight it.

WHAT EXCUSES HAVE OTHER PEOPLE GIVEN?

Just about every excuse you could possibly think of has been given, but unfortunately few of them work. Here's a collection of some of the more common ones that have worked occasionally, but usually fail.

"Do I look like the kind of person who would break the law?"

"The sun was in my eyes and I couldn't see my speedometer."

"I was going down hill and I didn't want to wear out my brakes."

"The kids must have played with my cruise control."

"Isn't that funny? I was just on my way to the Department of Motor Vehicles to take care of that."

"I'm so glad you stopped me officer! I was trying to find a policeman and I thought that if I sped I would find one quicker."

"This isn't my car and it's so powerful!"

"You distracted me, officer. I never would have run that stop sign if you hadn't been parked there."

"But I wasn't going any faster than all those other cars!"

"My kids were playing peek-a-boo and covered my eyes."

"I had a hot pizza on the seat right beside me, and if I hit the brakes it would have been all over the floor."

"I'm late to court for my last ticket!"

"That's a new sign, I just know it! It wasn't there last week!"

"I'm new in town and I didn't know the speed limits."

"Well, I knew it was a school zone but I figured all the kids would be in class by now."

"I just spilled coffee in my lap and burned myself."

"There was a bee in the car!"

"I was looking at the tachometer instead of the speedometer. I thought I was only doing 50 MPH instead of 5000 rpm."

"My wife was nagging me and I got distracted."

"My Saint Bernard just wet on my lap!"

"I just washed my car and I was trying to dry it off."

"I didn't know they gave tickets if you were only 10 over."

"You should give my husband in the other seat the ticket. He's the one telling me how to drive."

"Ever since my brakes stopped working it's hard to slow this thing down."

"I couldn't stop for that sign, my motor would die and I can't get it started again."

"I signaled, officer, it's just that my signals are broke."

Some of these are close, but not quite. The rest aren't even close.

WILL IT HELP IF I CRY?

If you're a male, "no." If you're a female, also "no." After he hands you the ticket, the officer may try to cheer you up with some funny stories, or by asking you out for dinner. Crying just isn't going to help your ticket.

WILL IT HELP IF I'M POLITE?

Maybe not, but it couldn't hurt. Politeness is just one more factor that could help to turn the tide in your favor. Courtesy is contagious, and if you're polite to the officer he may be polite with you. At least you won't have to lay awake at night thinking to yourself, "Maybe I shouldn't have yelled at him."

SHOULD I TRY TO BRIBE THE OFFICER?

Absolutely not, even though you may think this is common in your part of the country. In the past, particularly in the East, bribes were routinely offered and accepted (bribery never caught on as a practice in the Western half of the United States). In some cases, bribes were openly solicited by the officers. This situation has changed considerably in the past decade.

The most common way of offering bribes was to slip a ten, twenty or even a fifty dollar bill (depending on your social status) into the plastic wallet carrier behind your Driver's License. Then, when the officer



Bribery today: Seldom accepted and more than likely you'll be arrested. Definitely not recommended.

removed the license from the carrier, the bribe was removed at the same time.

Today, most officers will smile when they see money offered along with the license. "Is this for me?" the officer will ask. "You see anybody else around here?" you may assure him. The officer's acceptance of the money completes the act of bribery. At that point, he will probably ask you to step out of your car. This makes it easier to handcuff you, after which he will impound the car along with your cash.

Take our word for it, the expenses involved in getting your car out of impound alone (not to mention the costs of your trial and the time you'll spend in jail) will far exceed the cost of your ticket, assuming you're

found guilty. Even in the most corrupt police force, there's always a Serpico who's going to bust you for attempted bribery.

CAN HE STOP ME FOR ONE THING AND WRITE ME FOR ANOTHER?

Yes, it happens all the time. Frequently, an officer will stop the vehicle for a moving violation and notice equipment violations after the vehicle has stopped. These will then be added to the ticket.

A lot depends on your attitude. Although the officer's prime reason for stopping you was your excessive rate of speed, if you prove to be particularly obnoxious he may write you for your illegal lane changes and tail-gating violations as well. On the other hand, if you remain pleasant and cooperative he may mention these other violations he has observed, and make you think he's giving you a real break by only writing the one major violation on your ticket.

WILL HE GIVE ME A BREAK AND WRITE ME FOR A LESSER VIOLATION?

He might, but it's nothing you can bank on. Whether or not he's willing to give you a break depends a lot on your attitude, how convincing (or heart-rending) your story is, and the officer's outlook on life on that particular day. Officers tend to give a lot more breaks during their first year of duty, and after that they come to the realization that their job is to give people tickets. Traffic officers tend to be particularly generous with breaks on the day before they retire.

REFERENCE ADDRESS (ST. OR ROAD) <u>Janz</u>				CITY <u>Janz</u>	
VIOLATION (S) <u>22348 OVC-</u>				INFRACTION SEE REVERSE <input checked="" type="checkbox"/>	
<u>EXCESSIVE SPEEDS - N-1 OF</u> <u>LANES PASSING ALL TRAFFIC</u> <u>PACES 1 MI. GOVERNOR DR-</u> <u>EASTGATE MALL OVC - C</u> <u>IN #2 LN. 6 CLK BACK</u>					
APPROX.	P.F. / MAX	VEH. LMT.	SAFE	AREA	BEAT
65+	55	—	—	645	159
LOCATION OF VIOLATION (S) <u>N/B I-805 So/10 Carroll Cyn</u>					
<input type="checkbox"/> OFFENSE (S) NOT COMMITTED IN MY PRESENCE CERTIFIED ON INFORMATION AND BELIEF.					
CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE A					

If they don't know the exact speed you were traveling at, they will often write the speed they know you were exceeding (65+).

DO THEY ALWAYS WRITE THE SPEED YOU WERE ACTUALLY TRAVELING AT?

No, they may on occasion write a lower speed than the speed you were actually going. Often, an officer traveling at a certain speed, say 65 mph, will see you pulling away from him in traffic. He doesn't know the exact speed of your vehicle, but he does know for a fact that you were going faster than he was. He may then write the citation as "In excess of 65" rather than the 75 mph you were actually traveling at.

Officers sometimes will reduce a speed to reflect a lower speed than the one he actually clocked you at. He

may write the ticket for 85 mph when he actually caught you at 100 mph. His reasons for giving you a break is to reduce the amount of your fine (if he thinks you're a nice guy) or he may be unsure of the higher speed.

WHAT IF THEY DON'T?

When the officer signs the ticket, he is swearing under penalty of perjury that the facts he has written on the ticket are true. If he has written the speed as "In excess of" there is no problem as he has accurately represented the facts as he saw them. If he writes you for a speed lower than that at which you were actually traveling, he has in effect, lied about the facts as he saw them. If this is brought up at trial, it could damage the officer's credibility, and may cast suspicion on the rest of his testimony. This can help establish the fact that the officer is less than accurate in his reporting of the "facts" in your case, and this in turn will effect the "weight" of his testimony.

CAN I ASK HIM QUESTIONS ABOUT HOW HE CAUGHT ME?

Sure, and it would probably be a good idea. Knowledge of the methods he employed in catching you can be invaluable in preparing your defense, especially if what he says at the time of the violation differs from what he says at your trial.

Pay close attention to what he says, and run through his actions in comparison to the facts as you observed them. If the facts seem confusing, contradictory or

downright impossible your case in court starts looking better and better.

DOES IT MAKE ANY DIFFERENCE HOW HE CATCHES ME?

Yes, the manner in which he caught you can become very, very important to your defense should the citation go to trial. How he was traveling (on foot, by car, motorcycle, dogsled or plane), whether he observed the violation himself, where he was when he observed you (behind a billboard, in the gas station a mile away or right on top of your rear bumper) and how much time he spent between observing you and citing you can greatly affect the outcome of your trial. After the officer tells you how he caught you, write it down. Remember, he took notes, too.

HOW MANY TICKETS CAN HE WRITE ME?

Most agencies limit the officer to three violations per citation, primarily because of space limitations. Multiple citations are quite possible, but usually considered to be in bad taste. If a citizen comes into court with a citation listing ten or fifteen violations it gives the appearance that the officer was harassing him.

Usually, the officer will pick out the three most flagrant violations for the citations. The other violations will be in his notes, so that he can beat you over the head with them should the case go to trial.

CAN THE OFFICER TAKE AWAY MY LICENSE?

Yes, if you're going to meet with the officer at the court some distance away, the officer will often take your license to ensure that you will be there to reclaim it. This acts much the same as an appearance bond. At the scene of an accident, an officer will often take the licenses of all the drivers, passengers, and even the witnesses to make sure that they all stay around until he has finished his report and recorded all of their statements. If a witness does leave, the officer still can identify him for a followup.

The officer may also take away your license if there

If your license has been forged or mutilated, you may lose it on the spot.

SEX	HAIR	EYES	HEIGHT	WEI
M	Brn	Blu	6-1	19
DATE OF BIRTH				SOC
1-2-71				
OTHER ADDRESS				
CLASS 3 3 AXLE HOUSE CAR AND ALL 2 AXLE WHEEL MOTORCYCLE. MAY TOW VE				
SEE OVER FOR ANY OTHER CONDITIONS <input type="checkbox"/>				

is some irregularity with the license itself. If any part of the license has been altered in any way, if the license has somebody else's name or picture on it, or if you have more than one license, it may be taken away from you. Often the officer will give you the choice of either getting a citation for the improper document (and having it impounded as evidence) or destroying the document on the spot. The wise motorist will rip up his improper or duplicated license.

CAN I WRITE A TICKET?

Unfortunately, no. Almost every driver has had the frustrating experience of seeing a flagrant violation of the law, and being absolutely powerless to do anything about it. The law gives no authority to citizens to issue citations, and stipulates that the officer himself must actually observe the violations for which he issues citations. The only way in which you can give a ticket is to become a police officer.

Some states have provisions for citizens giving parking citations, if the violation occurs on private property. In that case, usually an officer responds to the scene with his ticket book. The citation is actually signed by you and countersigned by the officer, but you're the one who goes to court should the matter come to trial.

CAN OTHER STATE OFFICIALS GIVE ME A TICKET?

No, in most states not even the Governor. Only bona fide police officers can issue citations.

SHOULD I SIGN THE CITATION?

There's really no reason why you shouldn't. Your signature is not an admission of guilt: it doesn't mean that you agree that what is written on the ticket is factual and it doesn't mean that you agree to pay them any money. Your signature is only a promise to appear in court at the time and date specified on the citation.

You do have the option in most states of going immediately to court rather than signing the promise to appear (your ticket). Generally, this won't help your case one bit. The details of your violation are still vivid in the officer's mind, his recollection of the event will

Signing the ticket doesn't admit your guilt . . . and if you don't sign you will usually be arrested.

☐ OFFENSE IS NOT COMMITTED IN MY PRESENCE / CERTIFIED ON INFORMATION AND BELIEF.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND EXECUTED ON THE DATE SHOWN ABOVE AT PLACE

ISSUING OFFICER SAN DIEGO CITY CO. LD. 5747 VAC. DATES

NAME OF ARRESTING OFFICER, IF DIFFERENT FROM ABOVE Glynn FR. LD. 5747 PR.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND CHECKED BELOW

☒ SIGNATURE [Signature]

☒ MUNICIPAL COURT ADDRESS: P950 CHAIREMAN META BLVD ☐ JUSTICE COURT ☐ JUVENILE ☐ TO BE H

☒ ON THE 19 DAY OF MAY 19 78 AT 845 M. ☐ W

☒ OR YOU MAY APPEAR AT 530/0 P.M. ON 5-18-78

TO ANSWER CHARGES OF VIOLATION IN DESCRIBED ABOVE.

FORM APPROVED BY JUDICIAL COUNCIL OF CALIFORNIA 8-6-76 V.C. 40513 (B) P.C. 853.9

CHP 212 REV. 8-76

be virtually unquestionable and you won't have any time to prepare a case.

By signing the citation, you may gain 30 or more days in which to construct your defense (and 30 or more days in which the officer can forget the specific details of your violation). You've got nothing to lose by signing.

Even if you sign the citation, an out-of-state motorist may be asked by the officer to follow him to the nearest judge so that his case can be heard immediately. Justice can be swift for these vacationers. Many cities, particularly those which are tourist oriented, have policies which avoid giving tickets to out-of-state motorists, on the grounds that forcing them to appear on a later date would be unfair. Such cities are trying to avoid any horror stories of speed traps which might hurt the tourist trade.

CAN I STALL FOR TIME BEFORE I DECIDE?

Yes, but not for long. The best way to stall for time is to read the citation very carefully and very s-l-o-w-l-y. Ask him to explain the items you don't understand (or want him to think you don't understand). Usually he'll take the time to talk to you, and perhaps give you enough time and information to make up your mind.

HOW SHOULD I DECIDE?

Take a good look at yourself in your rear-view mirror, and ask yourself the following two questions: 1) Is there any reason whatsoever why I shouldn't sign this

ticket? and 2) Am I willing to take the consequences if I don't sign it?

WHAT IF I DON'T SIGN THE CITATION?

In most agencies, the officer will beg and plead with you to sign the citation, basically explaining the same things we've covered in this book and pointing out that there is really no reason at all for you not to sign.

Then another officer, or the officer's supervisor, may come by and beg and plead with you. If that fails, the Watch Commander may even be brought in to take a shot at begging and pleading with you. Usually, each officer becomes progressively more sympathetic with

There are few alternatives to signing the citation and most of them are unpleasant.



your problems, and progressively more critical of the first officer's tactics which obviously offended you so much that you refused to sign the citation.

After all the begging and pleading fails, the officers will remove you from your vehicle, arrest you and throw you into the local jail until a judge is available to hear your case. The officers aren't just being mean and trying to punish you for not signing the citation; in most cases the officer legally has no choice but to arrest you if you refuse to sign a traffic citation. If you have the misfortune to be arrested at the beginning of a three-day weekend, your stay in jail could be rather lengthy.

DO I HAVE TO SIGN MY NAME?

Yes. Some people try to write "funnies" when they sign their names, putting instead "Go to hell," "I didn't do anything" or the immortal "Mickey Mouse." Attempts at humor of this nature fall under the general category of "Dumb Moves." If the sharp-eyed officer notices that the signature on your citation doesn't match the signature on your license, it gives him reason to doubt your true identity, and a good reason to take you into custody until your identity can be proved.

CAN I TEAR UP THE CITATION?

You can't rip up the officer's copies, but you're perfectly free to destroy your own copy of the citation. Many motorists gleefully turn their copies into confetti or incinerate them with their cigarette lighters right before the officer's eyes. The officer views this kind of

activity with amusement, as that copy contains all of the information on when and where you must appear. Some officers find it terribly funny to carefully fold up the motorist's license in the middle of the citation and then casually point out that fact after the motorist has ripped the citation to shreds. There are more constructive ways to vent your hostilities than by destroying an important document which you badly need to prepare your defense.

One word of warning to would-be citation mutilators. Don't throw the citation (or pieces of the citation) out of the car. All states have litter laws, and the officer will gladly issue another ticket if you violate them.

Other copies of the citation are basically the same as the one you receive, but are routed to various departments.

INDICATED BELOW						
<input checked="" type="checkbox"/> SIGNATURE						
BEFORE THE JUDGE OF THE COURT AT THE						
<input type="checkbox"/> JUVENILE COURT	<input type="checkbox"/> SOUTH BAY MUNI.	TIME	MONTH	DAY	YEAR	
ADDRESS:		A.M. P.M.				
FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA						
REV. 1-1-76 V.C. 40500(B) P.C. 853.9						
PD 535 (3-76)		COURT'S COPY				
PD 535 (3-76)		DEFENDANTS COPY - SEE REVERSE				
PD 535 (3-76)		RECORD'S COPY				
PD 535 (3-76)		AUDIT COPY				
2138						
FOR RE-ORDER CALL DEB-U 440-1155						

WHAT IS ON THE OTHER COPIES OF THE CITATION? DO THEY SAY SOMETHING DIFFERENT FROM MINE?

The information recorded on the other copies of the citation should be identical to yours. The difference in the copies of the citation lie on the back side. Usually, your copy of the citation will contain information on bail, failure to appear and juvenile procedure (although sometimes a separate copy is allotted purely for juvenile use).

The back side of the officer's copy of the citation may contain blanks for recording his notes and possibly a form for making a diagram. These notes can be very important, and we'll cover them a little later on in the chapter dealing with your defense, *"Fighting the System."* The back side of the other copy(s) of the citation are usually blank.

WHERE DO ALL THOSE OTHER COPIES GO?

Usually, the original copy goes to the court, the second copy stays with the officer and is filed with his agency and third copy goes to the motorist. Don't start ripping out your copy of the violation ("It's okay, officer, this one's mine!") You'd better let the officer do the honors as the distribution of copies may vary.

WHAT IF I LOSE MY COPY OF THE TICKET?

Don't worry about it, there's plenty more copies safely on file. Usually you can either call the agency

which issued the citation to find out the date and time of your appearance, or you can appear at the court in person. You'll have to fill out a form, and you'll get the information after they check their computers.

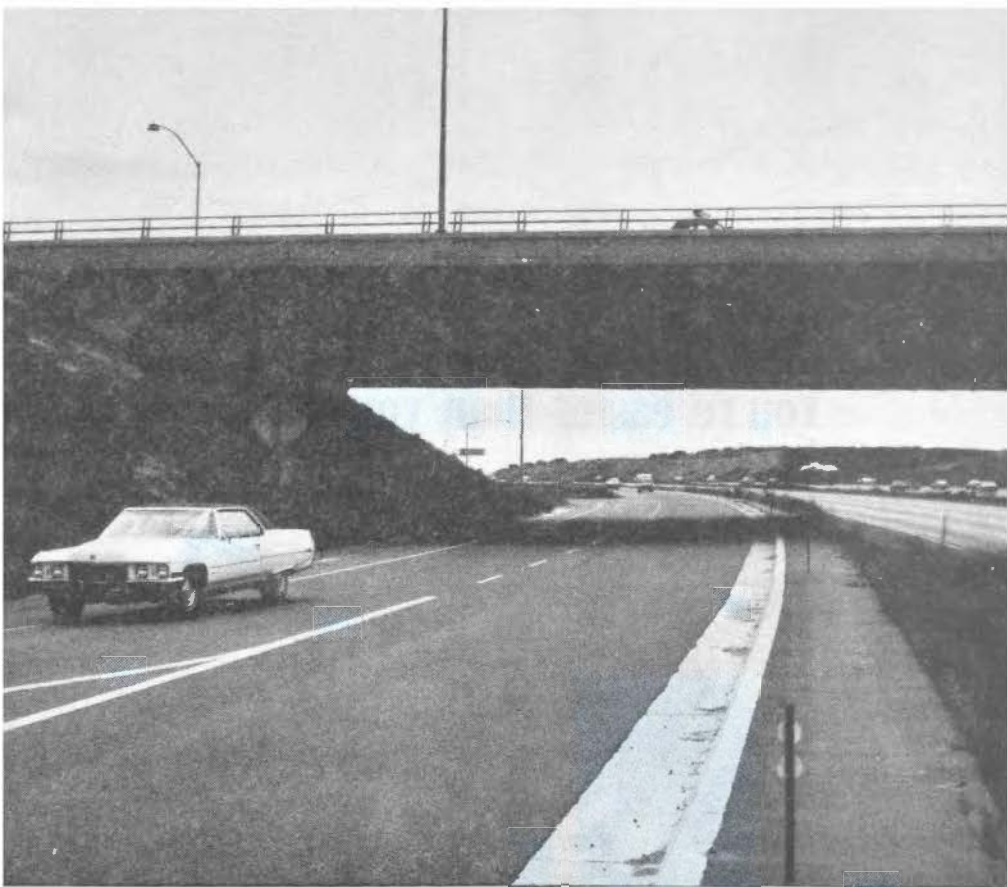
WHEN I LEAVE, IS HE GOING TO FOLLOW ME?

He may follow you, but it is not with the intention of giving you another ticket. Most officers are trained *not* to follow the motorist, it looks too much like harassment in court. If you're traveling on the Interstate with its limited access to sideroads, there may be no other place for the officer to go but behind you. He can't very well pass you by traveling above the speed limit after he had just cited you for doing the same thing.

If the officer is still following you, just kick back and relax. You've already been caught, and chances are he's fishing for other game now.

HOW DID HE GET ME?
You're easier than you think.





The lights on a patrol car (seen here on the overpass) can be one of the easiest things to spot on a hiding patrol car.

WHERE DID THAT GUY COME FROM?

That's probably what the lamb asked himself as the wolf leaped out of the weeds and pounced on him. Chances are he was there all the time, but you were too busy grazing in the fast lane to notice 4000 pounds of illuminated, black and white wolf swooping down the on-ramp into your blind-spot.

When you start feeling real comfortable in your car, and perhaps just a little bored, that's when the lights and sirens jump into sight shouting "Surprise!" in your rear-view mirror. He may have been there the whole time, but you weren't looking for him. He was looking for you.

HOW DO I KEEP FROM GETTING STOPPED IN THE FIRST PLACE?

Avoiding tickets has turned into a multi-million dollar industry, and may soon replace baseball as the national pastime. For many motorists this game is almost as much fun as it is for the traffic officer (except that losing hurts a lot more). Consider the following:

- 1) Buy a radar detector.
- 2) Avoid passing police cars on the highway.
- 3) Get a larger rear-view mirror.
- 4) Carry a lucky rabbit's foot.
- 5) Get a master map of your area and a lot of pushpins. Then plot all 'smokey reports' as they come in on the CB.
- 6) Install a rear-facing seat for a passenger-observer.
- 7) Don't drive.
- 8) Trade in your Ferrari for a moped. (Pick a conservative color for the moped. Be sure and wear your helmet.)
- 9) Don't break any traffic laws.

Of the above list, number 9 has to be the toughest one. Your chances of successfully obeying all of the thousands of traffic laws are almost zero, but there are a few things you can do to decrease your chances of getting stopped. Keep your eyes open for wolves and stay in the middle of the flock. It's always the sheep at the edges of the flock that get picked off. Do your best to look like one of the sheep, too. If the rear end of your car is jacked up so high that it sticks up above a group of traffic, there's a good chance that a traffic cop may be hiding under your bumper the next time you look. Keep a low profile and you'll avoid getting stopped.



CAN HE HIDE?

Sure, there's no law against it, but have you ever tried to hide anything as big and obvious as a police car? Officially, police administrators frown on their officers hiding; it's not considered to be a "fair" method of catching violators. In reality the traffic officer is out there to write tickets. If he parks his car out in plain view on the highway, everybody would slow down and it would be very difficult to find motorists to catch.

The roof mounted lights of a patrol car tend to be a dead-give-away to motorists. Wily traffic officers have been known to hide their lights by leaving the trunk lid open, and when they spot a speeder their acceleration is sufficient to slam the trunk shut. On the open highway, troopers often hide in the traffic flow by staying in the slow lane just in front of a large truck. Even if the motorist slows as he comes alongside the patrol car, it's too late, the officer's visual estimate of speed by watching his mirrors is enough to issue a citation.

Another technique is the "swoop." In the classic swoop maneuver, the officer hides on a freeway on-ramp where he can still observe the highway. As the unsuspecting motorist plows by at 70 mph, the officer swoops down the ramp into his pacing position in the blind spot. The swoop, however, is so well known by most motorists that every onramp gets checked by the experienced driver. Perhaps advertisers should consider placing billboards in these prime locations.

WHERE DO THEY USUALLY HIDE?

It isn't all that easy to hide a patrol car, however,

Now you see it; now you don't. The car that appears to be disabled on the shoulder might be hiding a light bar and a radar unit.

over the years many successful methods have been devised. Favorite spots for working speeders (with radar or otherwise) are in front of other vehicles (trucks, campers and vans) or in front of trees and bushes out of the motorist's sight. The locations are often at the bottom of hills or around curves where the violators never see the patrol car until it's too late.

Officers often watch intersections from nearby alleys and darkened parking lots. Traffic officers soon develop a keen eye and can spot a violation in heavy traffic from as far away as two or more blocks. Intersections tend to be prime hunting grounds for picking up drinking drivers. Officers often "sit" on intersections while doing routine reports or paperwork, a skill which takes a great deal of concentration and practice to master.

Hiding behind billboards is no longer a popular ploy since the advent of the super highways. Most outdoor advertising is now done 50 feet or better above the roadway. Watching traffic from these heights can cause nausea and dizziness, despite the good view.

DO THEY DISGUISE THEIR PATROL CARS?

No, this type of subterfuge is very rare as many Vehicle Codes specify that traffic cars must be of a specific color and marking. Successful anti-speed campaigns have been conducted in some states by radar units using semi-trucks, vans and taxis, but these are few and far between. Most of the stories you hear on the CB about disguised patrol cars are merely the paranoid delusions of the chronic ticket recipient.

For many years, the California highways were dotted with realistic plywood cutouts in the shape of Highway Patrol cars. It was virtually impossible to determine which were real and which were the plywood fakes until you were almost past it. You could always tell the real ones by the red lights that came on as you passed.

Just one of many clever tricks employed by enterprising officers is the "wet towel" trick. In this one, the officer applies a wet towel to one of his headlights, giving it a dim, yellow appearance that deceives motorists who constantly watch their mirrors. The heat from the headlamp quickly dries the towel, which falls away as soon as the car stops moving. This is always good for a laugh when the motorist jumps out of his car and says, "But, officer, I didn't know you were a cop because one of your headlights is out . . . I mean it *was* dim . . . at least I *think* it was dim." The end result is that the motorist looks really dumb.

DOES HIS CAR HAVE TO BE MARKED?

No, although some states require their *traffic* cars to be marked. Some agencies really go overboard in marking their cars, painting "TRAFFIC ENFORCEMENT" or "RADAR" in foot high letters on all four fenders and the trunk. Many agencies even paint the unit's numbers on the roofs of the cars to enable truckers to give accurate smokey reports. (Actually, the roof numbers are for the benefit of aerial units.)



Not all police vehicles are marked, but when they are, they tend to be very distinctive and easily identified.

CAN OTHER CITIZENS REPORT ME TO THE OFFICERS?

Yes, and they do it quite frequently. Most officers will listen patiently, mumble something about "We'll get right on it!" and drive away. The fact of the matter is that the officer is usually just driving around the corner to finish up his coffee and his reports.

The law states that the officer must observe the violation for which he issues a citation, there is absolutely nothing he can do about the car which *you* saw run a red light, unless he saw it too. Citizen complaints of this nature are just a bother for the officer, as he is powerless to take action. A common complaint of traffic

officers is that they get asked for directions so often they feel like gas station attendants.

WHY DO THEY ALWAYS WORK THE SAME LOCATIONS?

Police officers tend to be creatures of habit. When the lone hunter finds plenty of game at the watering hole, he returns every night at feeding time. How often do you drive home by the same route (and speed past the same stretch or roll through the same stop)? The hunters congregate where the hunting is the best.

WHAT'S A "CHERRY PATCH"?

A cherry patch is a traffic officer's dream, an intersection or a piece of highway which by its design, or by its very nature, causes a lot of people to violate the law. Working a cherry patch requires little skill on the officer's part—he just waits for a ripe one to come along and then he plucks it. The cherry patch can be a poorly developed intersection (ones marked "No Left Turn" during particular hours are especially good pickings), the downhill stretch of road between a local factory and the middle-class neighborhood, or sections of road fronting on roadside businesses.

Often, a cherry patch develops because the road doesn't change when the rest of the area does. A simulated island (a painted center divider) in front of a newly built drive-in bank is a good example. At five o'clock on a Friday evening it can be a regular picnic ground for a hungry bear.

Technically, officers should report problem areas to their traffic engineering departments to be corrected

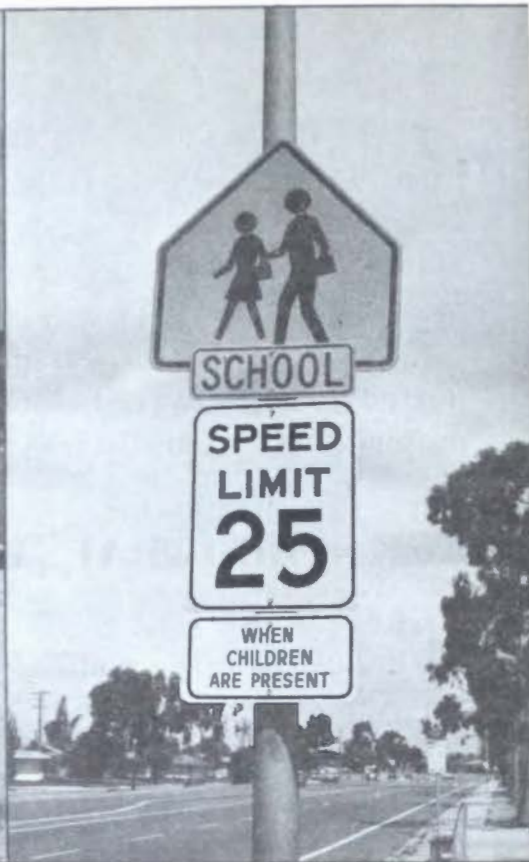
(or at least examined). In practice, an area which is always good for a few quickies is very valuable and carefully protected. Most officers won't even tell friends in their own squad about these little gold mines, just in case they're running a little behind in the ticket race. It's not unusual for more than one officer to go straight from the barn (police station) to his favorite cherry patch, only to find the officer who was sitting next to him at briefing busily picking cherries.

WHAT'S A "SPEED TRAP"?

There are several definitions of speed trap in common usage, the most popular of which is merely a cherry patch, a good section of highway on which to catch speeders.

Another kind of speed trap is usually a small town located on a major highway. These towns often post ridiculous speed limits through the downtown area, or just rigorously enforce the existing laws. Typical of these operations was Fruithurst, Alabama, a town of 350 residents with six officers working the nearby highway. The police station, courtroom and jail were all in the same building which generated revenues of as much as \$20,000 a month. Revenues from citations and appearance bonds paved all of the streets in the town and built a new gymnasium before "The Nation's #1 Speedtrap" was shut down by the joint efforts of the State Attorney General and the Alabama Motorist's Association several years ago. Speed traps such as these are rare today.

Speed trap: A quick change of speed from 35 MPH to 25 MPH, a school zone (the 25 MPH limit applies only when children are around) and a street wide enough to be an Interstate highway.



A third type of speed trap are those which are defined in the vehicle codes of some states. A typical section defines a speed trap as a section of highway which is pre-measured to make speed determinations, or a section of highway with a posted speed which cannot be justified by traffic engineering reports (the posted speeds are far below those at which the average motorist will actually travel).

ARE SPEED TRAPS LEGAL?

Chances are that if your state's vehicle code takes the space to define a speed trap, a speed trap is illegal in your state. The other forms of speed traps range from harassment (in the cases of speed trap towns) to bad-luck (if you're the one caught in a cherry patch), but are rarely illegal.

If you feel that you've been bilked by an illegal speed trap, consider going to your State Attorney General's Office. Most are very good about following up on such complaints, and if the complaints are founded they are very effective in dealing with them.

HOW DOES HE KNOW HOW FAST I WAS GOING?

That depends on what equipment the officer has available to him. He may have used any of a dozen forms of electronic wizardry such as radar or Vascar, a purely mechanical method such as pacing or a stopwatch, or a completely visual means such as aircraft or a visual estimate.

Not all agencies have access to all these methods (for



Sitting in the blind-spot makes it easy for the officer to determine your speed.

instance, the use of Vascar or a stopwatch is illegal in California). Be assured that they'll make full use of whatever methods they have at their disposal. We'll describe all of these methods in detail in this chapter.

CAN HE ESTIMATE MY SPEED VISUALLY?

Yes. Surprisingly enough, many experienced officers (particularly radar officers who have a constant reference to check their estimates) can pinpoint your speed visually within a 5 mph spread. With sufficient experience to back their testimony, these visual estimates are usually accepted in court.

There are factors which can affect the officer's per-

ception of your speed, and these factors can become very important in your defense. Some of these factors are the size, shape and color of your vehicle, the sound of your vehicle, the width of the road and your direction of travel in relation to the officer. Your car's relationship to other cars can be important too. If you were spotted moving through a pack of cars on the highway, the officer's estimate of your speed in comparison to the others is bound to be fairly accurate. A single car moving on a lonely road is much more difficult to estimate.

Traffic officers have a game they play using their speed estimating skills. Two officers will get together in a radar car, cover up the radar read-out and bet coffee and doughnuts over who can estimate closest to the true speed of passing vehicles. In court, it's wise to question the officer's ability to estimate speed. You've got a lot more at stake than coffee and doughnuts.

HOW DO THEY USE AIRCRAFT?

Aircraft are used both for spotting motorists who are in trouble and for catching traffic violators. Often distinctive marks are painted on the highway which allow the aircraft to compute your speed by using the known distance between the marks and sophisticated timing devices in the aircraft. A ground unit is then vectored in to apprehend the motorist.

Often these planes are equipped with C.B. radios which allow them to follow up on citizens' distress calls. One California Highway Patrol pilot near Bakersfield uses the handle "Air Bear" in his small patrol plane.



Getting a bird's eye view of traffic. Warning signs are sometimes posted, and aircraft are usually painted very distinctively.

Helicopters are also used extensively by police agencies, but are used primarily in surveillance and crime suppression, rarely for traffic work.

HOW DID THEY PACE ME?

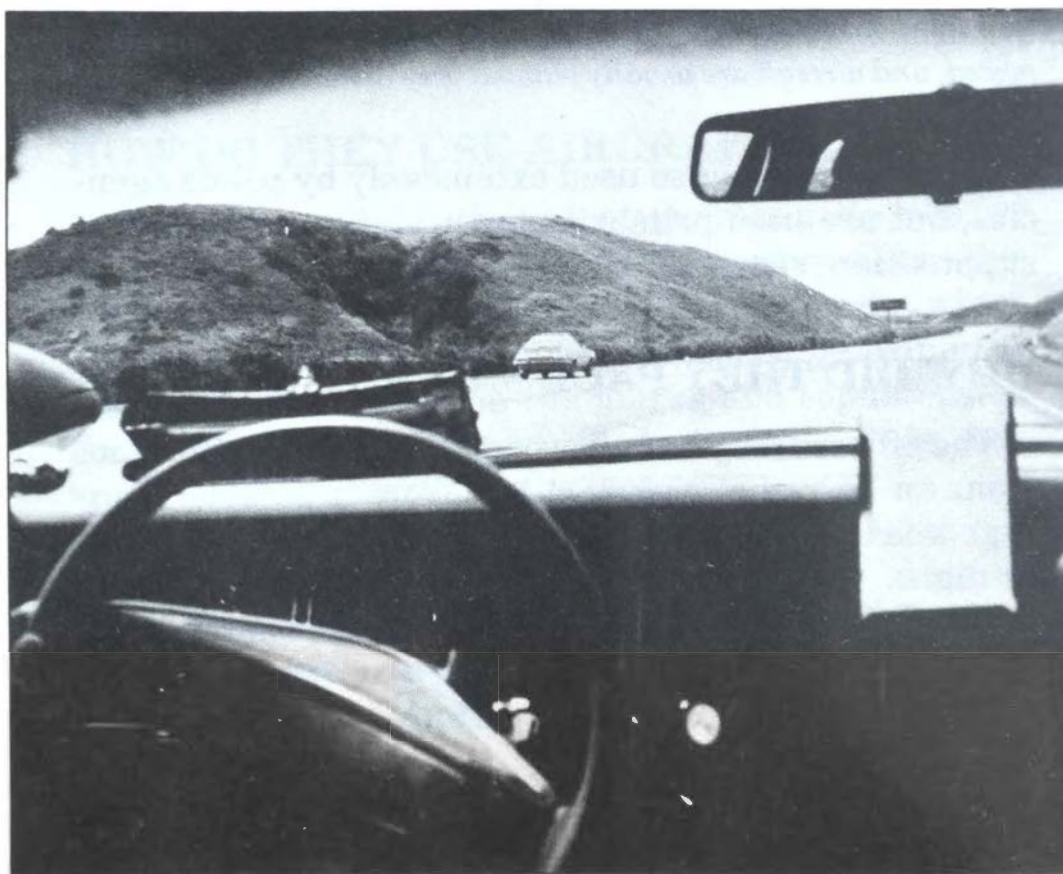
The officers may have “swooped” into your blind spot from an on-ramp, observed you from a parallel frontage road, or may have been right on your bumper at night.

He may have paced you by driving at the same speed as your vehicle, or by driving at a slower speed and watching your relationship to him. If he was cruising

at a steady 65 and you were pulling steadily away from him, he has accomplished a good "pace." Traffic cars often travel along at ten miles over the limit to catch speeders, otherwise they tend to get surrounded by a group of suddenly law-abiding motorists.

Police cars are equipped with special speedometers which make pacing very easy. The dial is broken up into 2 MPH segments rather than the usual 5 MPH segments in most cars. Police motorcycles are often equipped with two speedometers, one which can be locked with a flick of a button, and locks automatically when the pursuit lights are activated.

Once he matches your speed, the pace is complete.



HOW FAR DOES HE HAVE TO PACE ME?

Contrary to popular belief, he need only pace you long enough to get a good estimate of your speed. This may be as little as a hundred feet or over a distance of several miles. He may just cruise along pacing you until you finally notice him, because the longer he paces you the better his case gets. There is no set distance of $\frac{1}{4}$ of a mile or $\frac{1}{2}$ a mile that he *has* to pace you over.

DOES HE HAVE TO PACE ME?

No, as we mentioned previously, his visual estimate of your speed may be sufficient to issue the citation.

CAN HE PACE ME AT NIGHT WITH HIS LIGHTS OFF?

Technically he has to show lights at night just like you do. In practice, he doesn't mind cheating a little to win the game. (This has been compared to having the Geneva Convention rules of war; after all, the reason for fighting the war is to win.) Patrol cars sometimes cruise dark frontage roads with only a single forward facing spotlight burning. To the motorist overtaking the patrol unit at high speed, the spotlight gives the appearance of being a motorcycle, and it's not until the rest of the lights come on that the driver realizes his mistake.

Of course, the officer who travels at high speed with his lights off at night does so at his own peril. An accident under those conditions would be difficult to

explain to his supervisor. This technique is so dumb that any officer who gets caught using it deserves to get hung out to dry. If you're caught by an officer driving with no lights, do him a favor and report it in a letter to his agency, telling them how strongly you feel about this unsafe practice.

IF ONE OFFICER OBSERVES MY VIOLATION, CAN ANOTHER OFFICER WRITE MY CITATION?

No, but it does happen. Particularly with radar cars, one officer may actually observe the speed on the unit and call out to his partner, or call ahead to another unit which will actually issue the citation. This is against P.P.P. (Proper Police Procedure) and can blow an officer right out of the water in court.

When the officer signs the citation, he is swearing that the facts on the citation are true to the best of his knowledge. If he doesn't actually observe the speed himself, the speed told to him by someone else is "hearsay evidence" and is inadmissible in court. To be done properly, another officer can write out the citation, but the officer who actually observed your violation must also sign the ticket.

DO THE POLICE USE C.B. RADIOS?

Yes, the state police and highway patrols of nearly every state either provide C.B.s, or allow their officers to provide a C.B. for their units. Many agencies also operate base stations and monitor continuously for emergencies. A large number of county and municipal

Police use the C.B. radio extensively and are often proud of their "handles."



agencies are also C.B. equipped. Officers often take handles relating to their profession, "Polar Bear" (in an all white unit), "Panda Bear" (in a black and white unit), "Pooh Bear," "Mama Bear" (a female officer) and "The Blue Flasher."

The police use of Citizen's Band has been immortalized in such classic country-western tunes as "The White Knight" and "The C.B. Savage." One black California Highway Patrol (CHP) officer with a sense of humor runs under the handle of "The Chocolate Chippie."

HOW DO THE POLICE USE C.B. RADIO?

The C.B. radio was really one of the major catalysts (the other being the 55-mph limit) which turned traffic enforcement into a game between motorists and the traffic cops. It also has turned into a valuable public relations tool which allows motorists to interact with the police on a personal level.

The C.B. allows the officers to get first-hand reports of motorists who need assistance, and also reports from other drivers regarding the locations of flagrant speeders and drinking drivers. C.B. operators quickly turn on drinking drivers and often call for the "smokies" to catch them. The C.B. is also great for giving directions to lost motorists.

Sometimes, the police will appeal to motorists on the C.B. to be on the lookout for a certain type of vehicle that may have been involved in a crime, or to report on the location of accidents or traffic congestion. Response from the citizens is usually very good.

One of the most common types of C.B. transmissions



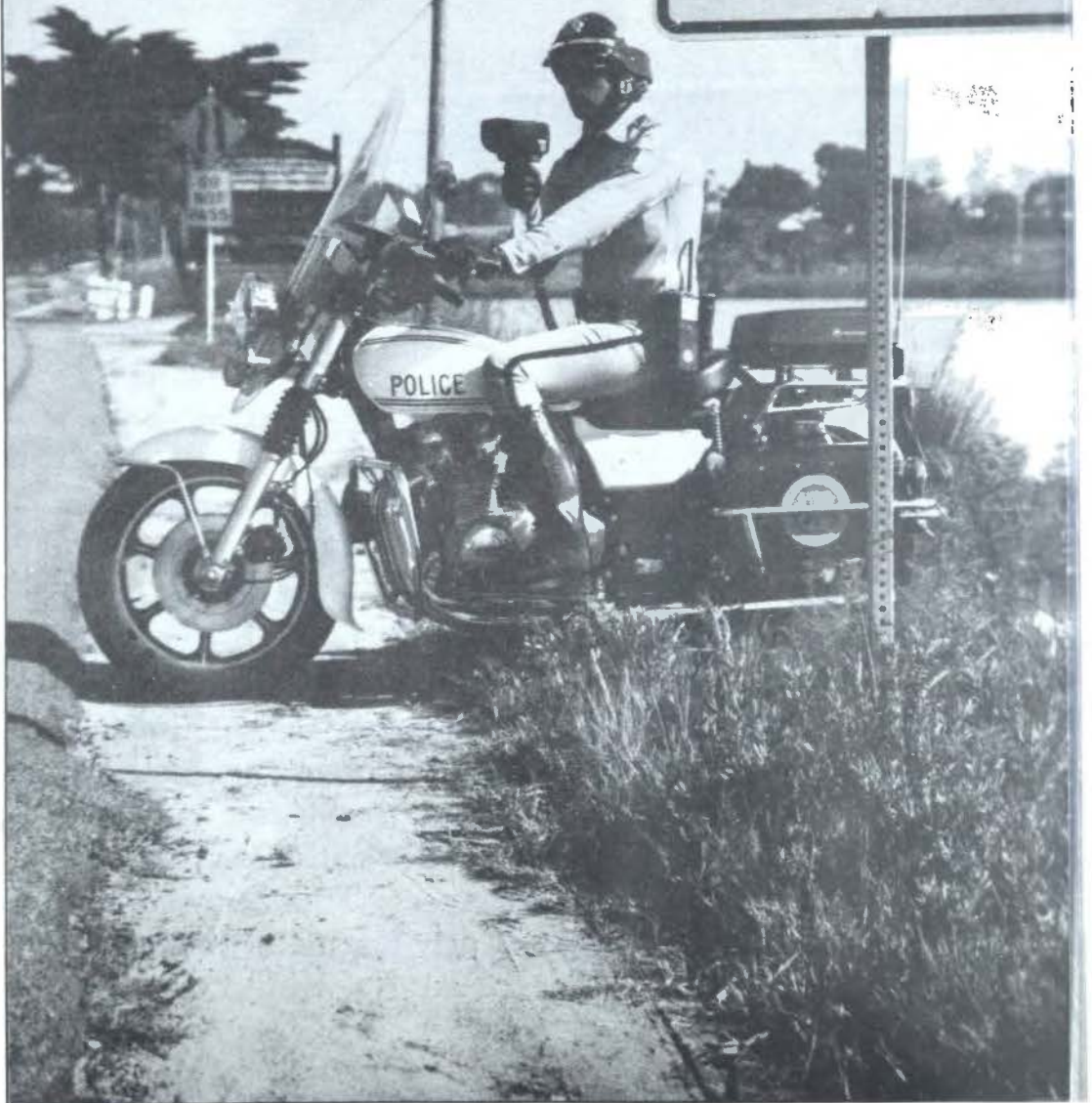
Most police agencies monitor emergency frequencies with C.B. radio.

are "Smokey Reports" (a report on the location of patrol cars), something that most officers view with a good deal of amusement. Smokey reports tend to serve as a speed deterrent, and the officer would be hard-pressed to duplicate the wide exposure he gets without them. Officers attempting to "hide" while working traffic enforcement soon learn when their tail is showing and will seek better cover, or will intentionally put one officer out in the open for smokey reports while a second cleans up.

Some officers will answer the C.B. call "Break for a smokey report?" with the response, "This is Smokey, what do you wanna report?" Many a trucker has woe-

CITY LIMIT

**SPEED
CHECKED
BY
RADAR**



fully discovered that his “back door” which has been feeding him smokey reports for miles was actually a crafty smokey, intent on trapping the trucker.

WHAT DOES THE SIGN THAT SAYS “SPEED CHECKED BY RADAR” REALLY MEAN?

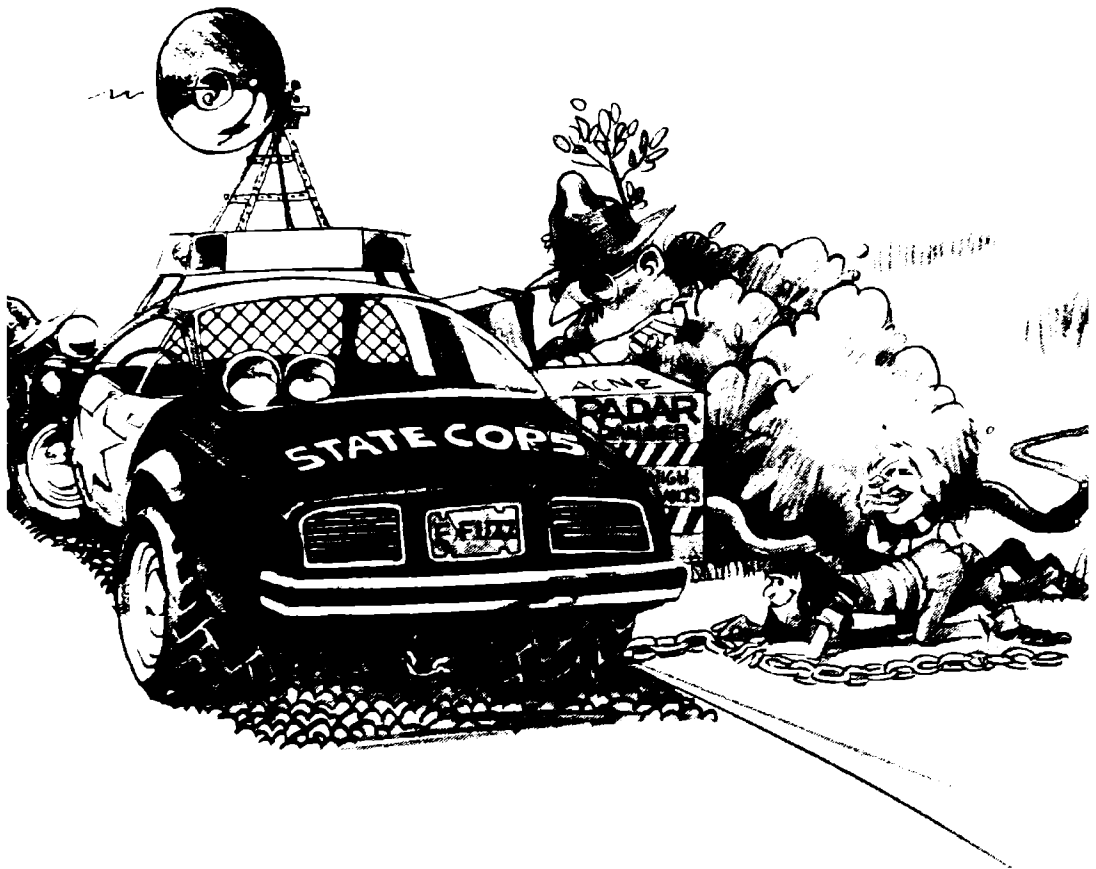
The sign is put there primarily to slow people down, similar to the sign that reads “Traffic Laws Strictly Enforced.” It doesn’t necessarily mean that that stretch of roadway is under the watchful surveillance of a radar car night and day; it doesn’t even mean that the city even possesses a radar unit.

In some states and jurisdictions, it is required that the signs be posted before radar can be used by the law enforcement agency. This varies widely from region to region and should be checked anytime you get a radar ticket in an unposted area.

When some people see the “Speed Checked By Radar” sign, they get the impression that the entire city’s traffic is being monitored by the police from some master control center similar to an airport’s air traffic control room. Radar *is* sophisticated compared to other methods of speed detection, but not *that* sophisticated.

ELECTRONIC WIZARDRY

Radar, the battle of the microwaves.



WHAT IS RADAR?

The term "Radar" is an acronym for the phrase "radio detection and ranging." Radar works on the principle that all objects reflect certain types of energy, whether it be light, sound (an echo is an example of reflected sound) or radio waves. Metal objects are particularly good reflectors of radio waves, meaning that trucks, cars and motorcycles are ideal radar targets.

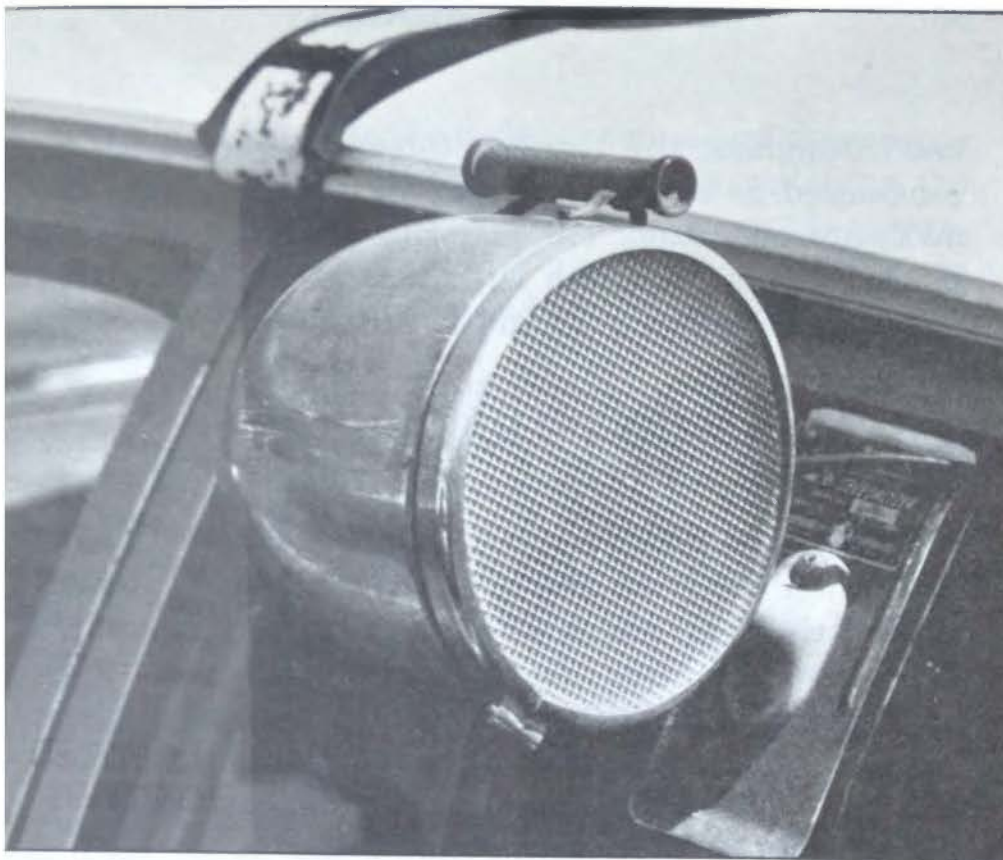
Police use radar to determine the speed of vehicles by transmitting these high frequency radio waves (microwaves) and measuring the difference between the transmitted and reflected signals.

HOW LONG HAVE THEY USED RADAR FOR TRAFFIC PURPOSES?

Radar has been used as a means of measuring the speed of automobiles since the early 1950's. Those first units were huge, filling the entire rear of a station wagon. They had difficult power input arrangements and an open ink well to feed a spring-powered stylus across a sheet of graph paper. The early units were not designed as a traffic enforcement tool, but as a device to compile statistical data for traffic engineering and the like. It only took about 6 months for the usage to change to ticket writing. Because of the open ink well, the car could not be moved while the radar was set up, so the cars had to work in teams with motorcycles or additional patrol cars to give chase to speeders.

As primitive as these early units were, they required the operator to be a highly trained and skilled technician. These units operated on a much lower frequency than modern units. A few (perhaps a dozen) are still in

An early radar unit from the 1960's, many of which are still functional and in use today.



use throughout the United States, but should not be considered as a threat due to their short range and awkward operation. The majority of these units were phased out of operation with the introduction of the first transistorized units in the early 1960's.

WHAT DID THEY DO BEFORE THEY HAD RADAR?

Prior to the introduction of radar, patrolmen had to depend on the tried and accepted methods of pacing, stopwatches and pneumatic hose timers. Setting up a hose timer required nearly half an hour, and alert drivers could quickly spot the timing box and the twin rubber hoses stretched across the street 16 feet apart. Typically, one officer would stay at the box and signal to another officer waiting down the street with a motorcycle or car.

Hose timers, commonly referred to as "snakes" have been dropped for use in traffic enforcement, but similar equipment is still widely used by traffic and engineering departments in making speed and traffic volume surveys.

HOW DOES POLICE RADAR DIFFER FROM AIRCRAFT RADAR?

Typically, aircraft radar is used to locate objects within the radar's field, and to give the location of other aircraft and the surrounding terrain. The radar emits pulses of energy as it sweeps in a full 360° circle with the transmitter displayed as the center of a cathode ray tube. As these pulses strike a target, they

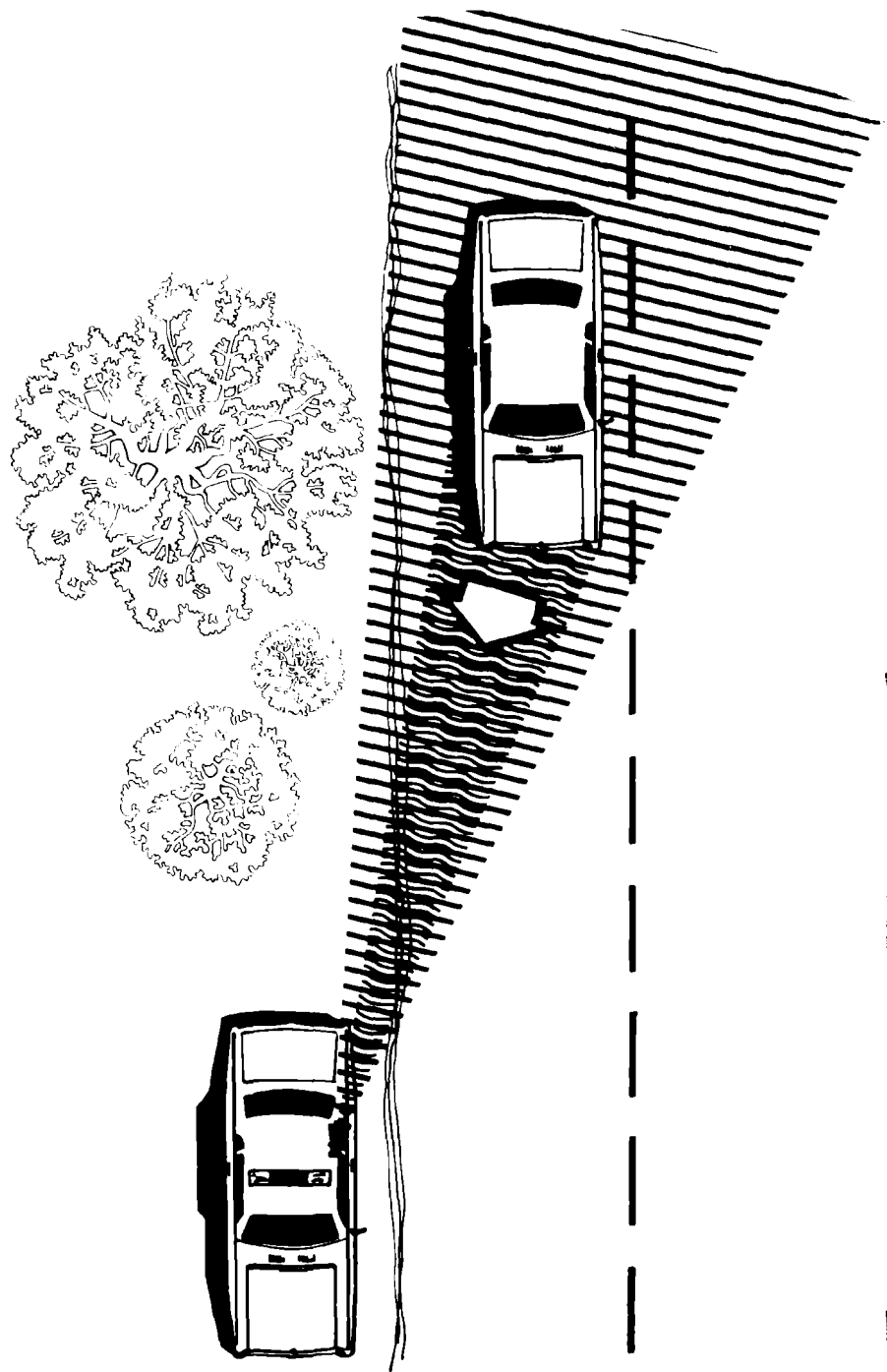
are reflected back to the radar antenna and show up on the screen of the cathode ray tube. By watching the movement and position of radar images on the screen, it is possible for pilots and air-traffic controllers to determine the location, speed and direction of travel of the images.

Police radar works within the same frequency spectrum, but its only function is the determination of speed. Rather than sweeping in a 360° circle, the unit is aimed in one direction down a highway or street and it emits a continuous frequency instead of pulses. While the aircraft radar shows images on a cathode ray screen, traffic radar usually shows the speed on an L.E.D. or Numitron gas tube similar to a digital watch or calculator. Sometimes the speed may also be printed out on a tape or a graph. Many radar units from the 1960's show the speed on a dial; a plate drops down and pins the needle against the dial to lock in a violator's speed. Many of these units are still in use today, "pinning" speeders traveling in excess of the 55 mile per hour limit.

HOW DOES TRAFFIC RADAR WORK?

Modern traffic radar is composed of two basic parts: the transmitter and the receiver. Both of these components are mounted in the antenna and activated by the electronic packages in the counting unit which displays the speed.

The transmitter utilizes a solid-state device called a "Gunn Effect Diode." This provides a very stable source of micro-wave energy which is shaped and directed by the antenna horn in much the same way as a



The Doppler Effect

flashlight shapes its beam, although the radar beam is not as sharp or distinct as a flashlight beam.

The antenna also houses the receiver, which collects the micro-wave energy reflected by the target and channels it into the mixer.

The mixer compares the received signal and the transmitted signal to arrive at the difference in frequencies caused by the "Doppler Effect." This "Doppler" (or "Difference") frequency is then transmitted to the counting unit which converts the Doppler frequency into speed in miles per hour. The speed is then displayed by the unit, either digitally in a "Target Speed" window, by a needle on a dial, or on a strip of paper rather like an electro-cardiogram.

WHAT'S A DOPPLER EFFECT?

The Doppler Effect is a fundamental principle of physics discovered in 1842 by Dr. Christian Johann Doppler. His theory shows that when a radio frequency (or a light or sound wave) strikes a moving object, the result is an increase or decrease of frequency directly proportional to the speed of the object.

The most familiar example of this effect is the sound produced by a train whistle. As the train approaches your position, the whistle is high-pitched and shrill; as the train continues past the whistle appears to become lower pitched.

Radar units use the Doppler effect to determine the speed of the target vehicle. If the target is stopped, the radio waves reflect back to the unit at the same frequency. If the target is moving, there is a slight shift in the frequency reflected. As the beam returns to the

radar unit, the frequency change is detected and converted to miles per hour for the operator to read.

Some radar units are equipped with an audible mode which also converts the Doppler shift created by the target vehicle into an audible tone. The tone is low pitched as a vehicle comes off a stop and becomes increasingly higher as the speed increases. A group of vehicles traveling at different speeds results in a mixture of tones, even though the radar may be clocking only the lead vehicle. This audible tone is very precise, and officers quickly learn exactly which pitch marks the death note for a speeder. The Doppler tone also lets the officer hear when you hit the brakes and how fast you're slowing, just as surely as if you locked up the tires and slid to a screeching halt.

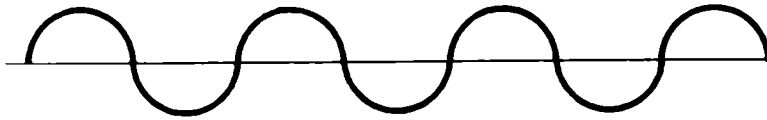
DOES ALL POLICE RADAR OPERATE ON ONE SPECIFIC FREQUENCY?

No, they operate within a given frequency range, but specifically on three commonly used bands or channels, much like your use of the specific 40 channels allocated for C.B. radio by the F.C.C.

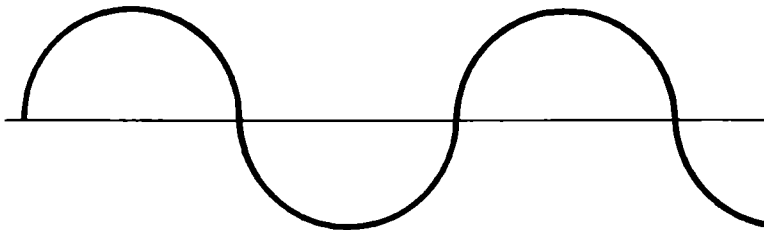
This type of licensing by the F.C.C. is done with all TV stations, radio stations, government agencies and businesses who wish to use the nation's airways, to ensure that broadcasts don't overlap and interfere with each other. If the F.C.C. did not provide for this type of electronic segregation, you might find yourself listening to Johnny Carson on your stereo, or launching a radio controlled nuclear missile the next time you activate your garage door opener.

Police radar's three commonly used frequencies are

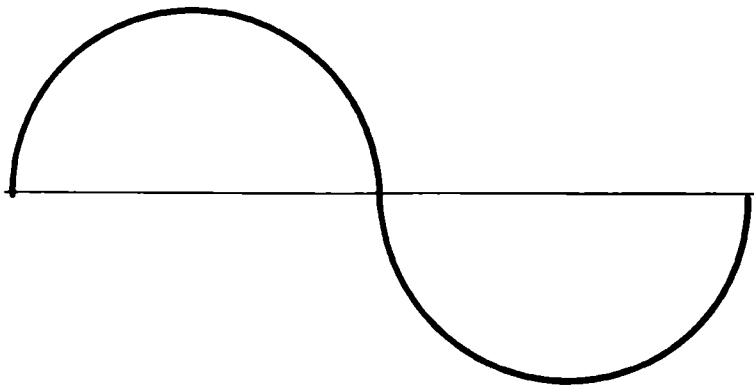
K-band
24.150 GHz



X-band
10.525 GHz



AM radio
1600 MHz



Comparison of Radar Frequencies

referred to as "S-band" at 2.455 Gigahertz, "X-band" at 10.525 Gigahertz and "K-band" at 24.150 Gigahertz. S-band units were the first units to appear on the American highways. These older units are no longer authorized under F.C.C. regulations, but may still be encountered. The X-band units rose in popularity and numbers in the late 1960's, and account for approximately 95% of the units in operation today. These units are still being produced in large numbers. K-band is a relatively new frequency for police radar, but is gaining rapidly on the X-band units. K-band units account for about 5% of the units in use.

To help you better understand the difference in frequencies and their relative configurations, let's compare the transmitted energy to rolling ocean waves, or hills and valleys. The wave "length," or distance from peak to peak of the one thousand kilohertz frequency received by your car's AM radio is about 985 feet.

In electronics, the term "Hertz" is not a rented car, but a unit of measure used to define the number of waves passing a given point in one second, or the "frequency" of transmission. One Hertz equals one wave per second. One kilohertz is one thousand waves per second and one gigahertz is one billion waves per second. Because of the nature of the unit of measure used to describe the passing of so many waves per second by a given point, the term "microwave" is used. Although this is not the same frequency as a microwave oven uses, the term is used in both to describe the energy transmitted.

Police traffic radar is able to detect any small "shift" or change in these frequencies after they have been bounced off your car as it travels down the highway. A Doppler shift of 31.4 Hertz in the X-band, or 72.023

Hertz in the K-band is equal to a relative speed of one mile per hour. The term "relative speed" refers to the speed of the target vehicle as compared to the stationary background.

Many radar manufacturers have constructed their units so as to allow for "fine tuning" of the frequency for peak performance. Some radar technicians have been known to tweak the adjustments, causing the radar unit to operate slightly off frequency and keeping the "good old boys" from complaining about radar detectors picking up their frequency. This procedure is probably against current F.C.C. regulations, but let's face it; how often do you suppose a trooper gets pulled over for a "Federal Frequency Inspection"?

CAN POLICE RADAR AFFECT PACEMAKERS OR CAUSE CANCER?

A rumor circulated through Idaho and California recently about a California man with a pacemaker who supposedly died after passing through a radar monitor. That sparked a U.P.I. headline that screamed, "*Law Enforcement Radar May Interfere With Pacemakers.*" The article went on to say that there was absolutely no basis for the rumor, that the western law enforcement agencies had absolutely no record of any such instances, and that in the opinion of one radar expert, "The likelihood of law enforcement radar interfering with cardiac pacemakers is nonexistent." Based on these unquestionable facts, five separate agencies in Idaho banned the use of radar and legislation outlawing the use of radar was introduced into Idaho's Senate.

Studies have indicated that there is no known in-

creased hazard of cancer or other diseases for the officer working in the vehicle with the radar practically in his lap. If the unit has little effect on him, it certainly won't affect you in your car as you pass by. The only health hazards associated with traffic radar are the shock of getting caught and the pain of parting with the bail money. If you worry enough about getting caught, you may develop ulcers without ever passing through a radar beam.

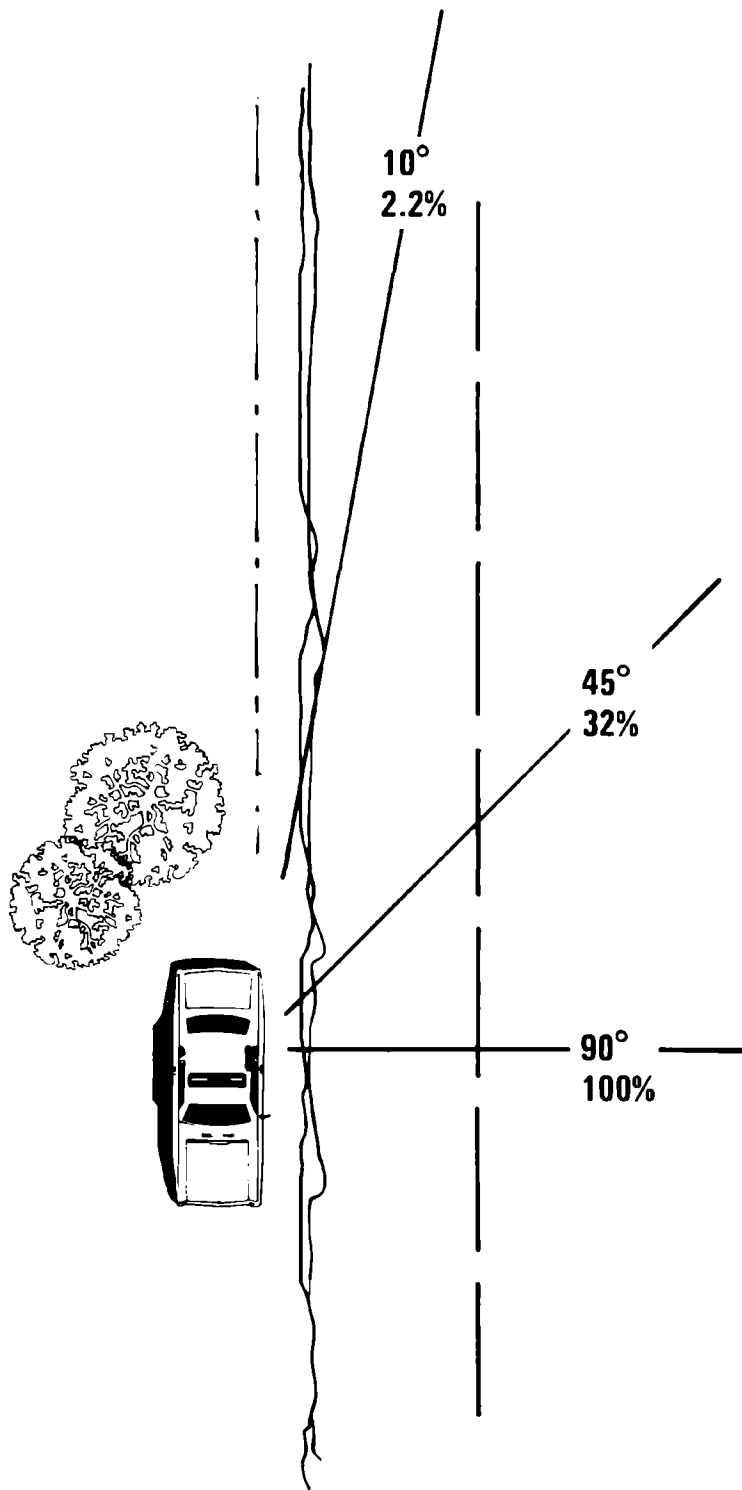
CAN RADAR CAUSE CATARACTS?

Studies have shown that *heavy* concentrations of *aircraft* type radar can cause cataracts, but it has not been proven yet that police type radar is harmful, or what concentration of police type radar would be required to become harmful.

Of course, while you are only occasionally bombarded with police radar, the officer operating the unit is being "zapped" on a regular basis. This matter has caused quite a bit of concern with some officers, so much concern that they have demanded special "Hazardous Duty" pay in some cases where they were required to operate a radar unit.

HOW ACCURATE IS RADAR?

When properly used by the officer, most traffic radars are accurate to within one tenth of a mile per hour. Many units will even display the speed of the target vehicle to the nearest tenth of a mile per hour. However, similar to when you use a pocket calculator, the answer will be accurate only if the operator has pushed the right buttons.



COSINE ANGLE FACTOR

If you consider the number of times you have made a mistake while using a pocket calculator, just imagine trying to convince the manufacturer that the thing makes mistakes. The manufacturer will insist that "the unit is accurate provided it is operated properly. It will not give the wrong answer."

Doppler radar measures the relative speed of a target, that is, the speed of the target traveling in a straight line directly toward or away from the unit. If the target is traveling at a slight angle to the unit, such as when the radar unit is parked on the shoulder of the road, the "cosine angle factor" occurs. This inaccuracy is in the motorist's favor, as the cosine angle factor always lowers your relative speed to the unit. At an angle of ten degrees from the straight beam, a true speed of 45 MPH will show on the radar counting unit as 44 MPH. At an angle of 45 degrees, such as when the radar unit is parked off the roadway on the top of an off-ramp or clocking you through a turn, the true speed of 45 MPH will show as 31 MPH. At an angle of 90 degrees, such as if the radar unit was parked on a side street and clocking you as you passed the end of the street, will show as a speed of 0 MPH. This inaccuracy won't help you at all in court, as it is always in the motorist's favor.

DO THE COURTS ACCEPT RADAR WITH NO OTHER EVIDENCE?

Unfortunately, the courts do accept the accuracy of radar almost without question. The case of the State of New Jersey versus *Dantanio* in 1955 took "judicial notice" (a blanket acceptance by the courts) of the

accuracy of radar, established that 1½ to 2 hours of training is sufficient to qualify an operator of radar and stipulated that the radar operator need not understand or be able to explain the internal workings of the device.

A second court case, *Honeycutt* versus the Commonwealth of Kentucky in 1966 agreed completely with the Dantano decision and further decided that the officer's visual observation of the speed and position of the vehicle was enough to determine which vehicle the radar unit was tracking.

Of course, this doesn't mean that the radar reading is accepted without the officer establishing all of the elements of the violation. In order to successfully prosecute the speeding case, the officer will have to establish the time, place and location of the offense, and show that you were the driver of the offending vehicle. He has to show that the state laws regarding speed limits and radar signs were complied with, and in all states he must prove that your speed was "unreasonable" or in excess of the 55 MPH maximum limit.

The officer must also give his qualifications and training in radar operation and be able to testify that the unit was operating correctly and had been tested for accuracy. Last of all, he should be able to identify the vehicle, and testify that your vehicle was out in front, by itself, and nearest the radar unit when the reading was obtained.

The officer's court testimony is part of the radar training program conducted by the manufacturers. Some manufacturers even provide the officers with check lists to use in court, to make sure that he establishes all of the necessary facts. In all cases, the officer

has to make a visual estimate of the excessive speed. The radar is only a tool used to verify the officer's visual observation.

CAN THE OFFICER CHEAT USING RADAR?

Perhaps the most well known example of possible "cheating" with an electronic device is the missing 18 minutes lost from Rosemary Wood's Watergate tapes. Whether the 18 minutes of tape were lost by electronic malfunction, human error, or deliberate action (cheating), we will never know. That is a matter between Rosemary Woods and her conscience.

It is much the same with the officer and his radar unit. If the officer cheats while using his radar unit, you will probably never know it: you have to take the officer's integrity for granted. In any group of humans, including a group of law enforcement officers, there are always a few who cheat. He may be driven by peer pressure, his standing in the ticket race, sheer boredom or frustration at his inability to issue proper, legal citations. Most officers would never consider cheating to catch a motorist (it's easy enough to catch them without cheating) but there's always one officer out there who doesn't play by the rules. If an officer is going to cheat by using radar, there are any number of ways in which he can do it. Here are some of the more common ones:

AUTOMATIC CALIBRATION—Most modern radar units have a method of internal "calibration," a method to check the radar's operation. In most models, a single crystal generates a signal of a known quantity

Two speeds, one bogus and the other authentic. The tiny dot over the "7" indicates a calibration mode, the "50" is the actual speed of a vehicle.

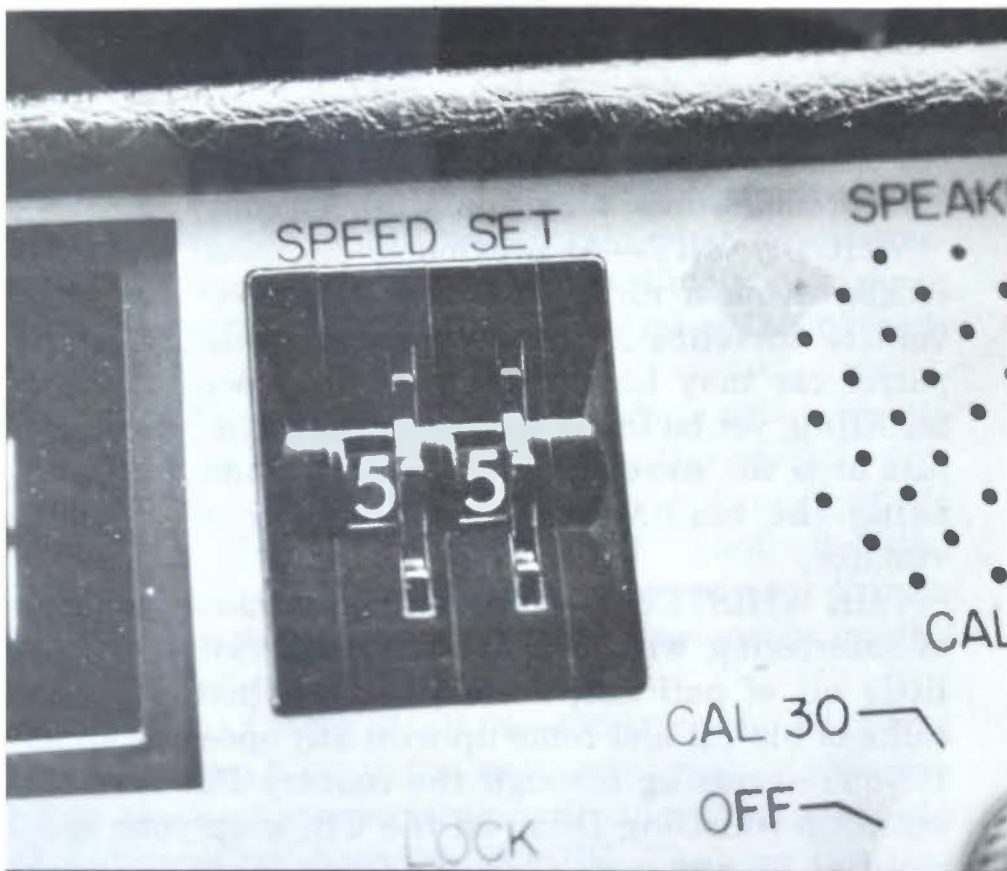


and transmits it to the counting unit. If the unit displays the correct speed, its operation is verified. Units from the various manufacturers of radar will calibrate at 30, 32, 45, 50, 60, 64, 65, 67 and 72 depending on the model. If the officer just happened to write you for the same speed that his unit calibrates at, it will certainly help to create some suspicions in court. The officer can call up this calibration speed merely by turning a knob or pushing a button on the unit's control panel.

LEFTOVERS—When a radar unit detects a speed in excess of the limit given to it by the operator, the unit will alert the operator to the speed with a beep, light or tone. The violator's speed is then locked into the unit, either manually by the operator, or automatically on some units. The speed can also be stored in the unit and not displayed until the operator hits a recall button. The speed the officer shows to you may have been locked in from the previous violator.

CATCH-UP SPEED—When a patrol car equipped with stationary radar (or moving radar in a stationary mode) is moving, the radar picks up the ground and shows the patrol car's speed. This can be used to verify the patrol car's speed when pacing, so the speed shown on the unit may have been locked in at any time when he was driving prior to his setting up at the radar location. If you pass by a parked patrol car at 60 miles per hour, the officer will have to go considerably faster than that to "catch-up" to you. He can lock in a "catch-up speed" at any time as he accelerates after you.

THE FINAL APPROACH—Radar, being a sensitive piece of equipment, is capable of picking up the speed



The "Comic Alarm" draws the officer's attention to the radar unit (and away from his comic book) when a radar target exceeds the preset speed.

of any moving object, including trains and aircraft. Small planes land at surprisingly slow speeds (as slow as 50 miles per hour) with larger aircraft landing at speeds well over 100 miles per hour. It is entirely possible for a radar operator to clock a landing or low flying aircraft and leave it locked into the unit. Officers working near airports have been known to clock fantastic speeds well over 100 MPH to use in "war stories" about "the one that got away."

PANNING—The antenna of a stationary unit, or a hand-held radar gun can be panned in a sweeping motion that will cause the radar to read the speed of the landscape as it sweeps by. With a little practice,

the officer can sweep up and lock any speed he desires. This is sometimes called "panning for gold."

WHODUNNIT—As previously discussed, the speed locked in on a radar unit may not be your own. A vehicle traveling in the opposite direction from the patrol car may have a high enough speed to be interesting, yet be too far gone to catch. The officer may just stop the next car that comes by and looks fast, using the reading already locked in to show the violator.

THE WHISTLER—A citizen's band radio is capable of interfering with a radar unit's operation. With a little bit of patience, a trooper can whistle into the mike of his CB and come up with any speed he wants. If you're cruising through the country-side and hear someone whistling Dixie on the CB, keep your speed right at 55 and watch out for radar cars. You might have company real soon.

THE TUNE-UP—The most common way radar units are calibrated is by use of tuning forks. These forks are available from the manufacturers in any 5 mile per hour increment from 25 MPH to 100 MPH. When a specific tuning fork is struck, it oscillates at the same frequency as the Doppler frequency for the speed indicated. By holding the fork an inch away from the antenna, the unit would show the proper speed to verify the accuracy of the unit. If you get clocked by radar at a five mile per hour increment, you should ask him how his unit is calibrated and what tuning forks he possesses. To avoid this problem, an increasing number of manufacturers are only supplying 50 MPH forks.

THE HURRY-UP HUSTLE—Many moving radars

will give erratic readings when the patrol car is traveling 65-69 MPH. If the unit is intentionally driven at those speeds, the officer may lock in one of those inaccurate readings. Most units automatically shut down and give no reading when the patrol speed exceeds 69 MPH.

THE WIPE—On the older radar units with a needle and dial face for reading the speed, the operator can simply wipe the dial once with his hand, causing static electricity in the plastic dial cover. This will allow the officer to “wipe-in” a 10 MPH increase, or wipe it back out with one pass of the hand before demonstrating the unit to a violator.

THE BAD CONNECTION—On the older dial face units, a sharp blow to the unit or tapping on the case while the unit is operating, will cause the needle to fluctuate as much as 10-20 MPH. The operator can simply lock in the speed as the needle swings past the desired mark.

SHIFTING ZONES—With the long range of most radar units, the unit may be actually clocking you when you were down the highway in a higher speed zone. A classic case of this type of error occurred in 1977 in Eau Claire, Wisconsin. A construction worker was driving down a road marked at 45 MPH. Just as he made a turn onto another road, his radar detector went off. At that point, he and his passengers very carefully watched his speed. 300 feet down the road, they passed a 25 MPH sign and he drove past that sign at less than the limit. Less than a fifth of a mile later he was flagged down by a police officer who charged him with driving 44 MPH in a 25 MPH zone. In this case, the

man had evidence and witnesses which allowed him to beat the citation in court.

THE SWITCH—Modern radar units may be equipped with optional time and distance functions which allow it to operate like VASCAR. By giving this unit false input, the operator can lock in a false speed and tell the violator that he was really clocked on radar.

SPEEDING FANS—When radar antennas are improperly mounted on the dash or sun visor, or deliberately aimed at the dashboard, they sometimes will pick up the speed of the police car's heater or air conditioning fan. The officer can pick the speed he wants to lock in by choosing between "Defrost" or "High Blower."

KITING—This is just like "kiting" a bank check, the officer simply makes up a conveniently higher figure to write on the ticket if your speed wasn't quite "high" enough. You can pick up on this one by asking to see your speed on the radar unit. If it doesn't match the one on the citation, or if the officer refuses to show you the reading, this will once again cast doubt on his testimony in court.

If Paul Simon, who sang about "50 Ways to Leave Your Lover," had been singing about radar instead, the lyrics might have been:

"Just kite on the cite, Dwight,
do a little pan, Stan. . . ."

After all, there must be 50 ways to cheat on radar.

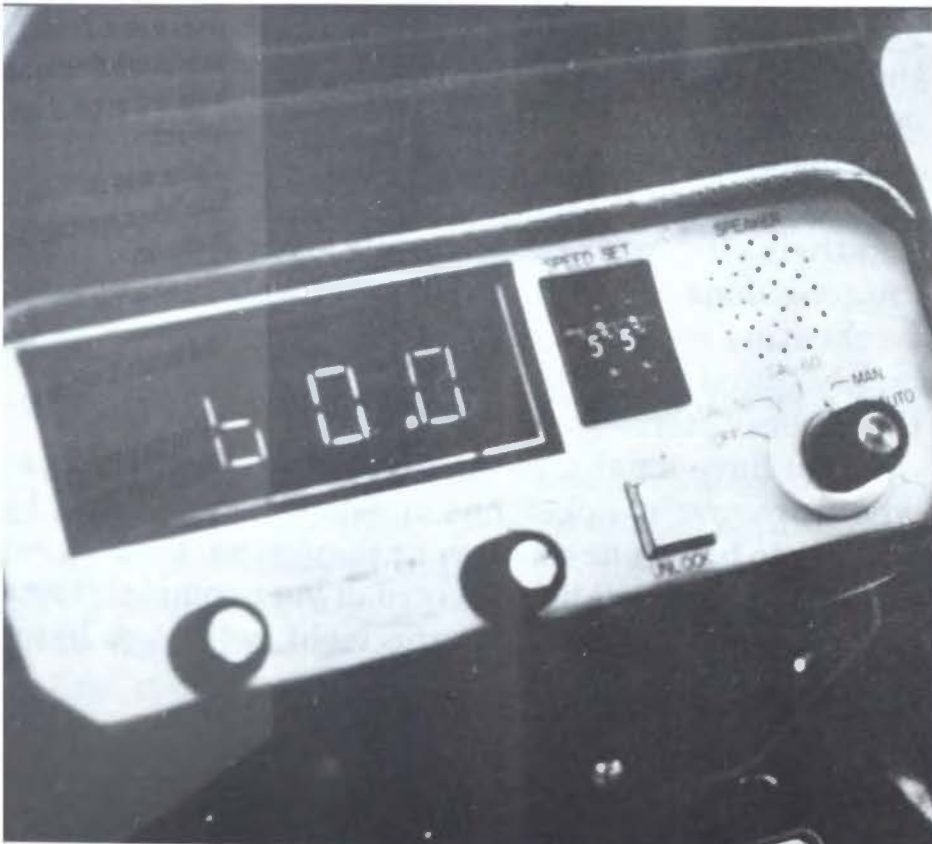
HOW DO I KNOW IF THE OFFICER "CHEATED" ON MY TICKET?

In most cases you never will know if the officer cheated. You can only guess, but certain things may

help to tip you off to the officer. Ask to see the unit. If the officer refuses to show you the unit, or seems reluctant to show you the unit, you should be on the alert. Most officers are only too happy to show you the radar and briefly explain its operation. This is part of "selling" the ticket to you, making sure that you believe you deserved the citation. Convincing you of your guilt helps to keep the officer out of traffic court.

Take a careful look at the radar unit when he shows it to you. Is the speed displayed the same as he has written on your citation, or are they different? Do all the switches appear to be in the right positions, or is one turned to a "calibrate" position? If he caught you while both you and the officer were moving, and his

A careful look at the radar unit can be enlightening. This unit is in a "Cal 60" calibration mode. Speeds in multiples of 5 and 10 are always suspicious.



unit is a stationary radar, or a moving radar with the switches in the "stationary" position, he may have been cheating.

If your car is equipped with a radar detector which didn't even hiccup when you passed the radar unit, check your detector first. If the unit is plugged in and screams bloody murder with the next radar you pass, you've got to suspect that the officer's radar was not operating when you were caught.

The officer working alone is a lot more likely to cheat than two officers working together. The lone officer may rationalize that you really were speeding and therefore deserve a ticket, even though he was unable to obtain a valid clock on your speed. Like being caught by a pacing patrol car, it's virtually impossible to prove that an officer was cheating. Once the pace car stops rolling the needle returns to 0. It's simply your word against the officer's in court, because by the time of your trial the radar unit has long since been cleared of your speed.

Other officers will be as critical (if not more so) of the cheating officer as you are. Law enforcement agencies and their officers are very sensitive about this type of unprofessional technique. An officer who was known to be cheating on his citations would likely be strung up by his thumbs with the cord of his own radar gun by the other officers.

If you have a valid reason to believe that the officer who gave you a ticket has cheated, go on record by writing to his agency with your suspicions. It's best not to call as there will be no record of your complaint and you may not be talking to the right person. A letter

will almost always be referred to the proper official for investigation.

With the current political climate of the country, following some of the biggest political cover-ups and scandals of the century, most agencies are very good in investigating complaints. They may even go so far as to send plainclothes officers past the radar unit to see how they are treated by the officer in question. If an officer is caught cheating, or merely suspected by enough people, his ticket writing days could be over for good.

In all cases in which you suspect foul play on the officer's part, you should bring up your suspicions and reasoning in court. If the reasoning is valid, you may be able to create the "reasonable doubt" that will prevent your conviction.

If you suspect you were the victim of the Automatic Calibration, feel you may have been served up some Leftovers or other such tricks, you can subpoena by number the 5 citations which the officer wrote before and after your alleged violation, or all of the citations issued by that officer on the same day. If several citations have the same speed, you may have a valid defense.

HOW FAR AWAY CAN RADAR CATCH ME?

The average range of most modern radar units is about 4,000 feet; a little less than a mile. Under absolutely ideal conditions (flat terrain, good target, clear weather, etc.) a really good unit can clock a target as far as three miles away. This range seems frightening at first appearance, but you have to remember that in

order to use the reading the officer has to make a visual observation of your speed and there can be no other cars between you and the radar. At a distance of three miles, it's unlikely that the officer will even see your car, much less be able to identify it, and if you're the only car on that flat, three mile stretch of road (you'd have to be towing a houseboat to present a big enough target), it's rather unlikely that any officer would pick such a lonely area to work radar. He'll never make his quota that way.

The common working range of most radar units is 1,000 to 1,500 feet for passenger cars and as much as 2,000 to 2,500 for large trucks. ("Don't fire until you see the whites of their eyes!" is the rule of thumb.) This range allows the officer to be close enough to make a visual identification of the offending vehicle while still working an area that will present a large number of targets to choose from. If the traffic is too heavy, however, the area is a poor one for working radar. The number of targets makes it impossible for the operator to identify the offending vehicles, and the close bunching of the cars reads out as an average speed on the radar.

CAN RADAR "SEE" AROUND CORNERS OR OVER HILLS?

No, radar is basically a "line-of-sight" device. The radar energy will continue to scatter in all directions, and may be detectable around corners and over hills, however, no readable Doppler shift will return to the radar unit.

A radar operator can get a good reading by shooting

An ideal location for working radar, with the target coming downhill on a wide street, around a curve, in a residential district and directly into the path of the radar beam.



through a curve bordered with a chain-link type fence. Although this reading would probably be accurate, it's validity in court would be very questionable because the officer would have no visual observation to back it up.

Radar is unaffected by glass, as evidenced by the radar units currently in use whose antenna can be mounted in the car rather than mounted externally. Generally, if an officer can see your car, he can "shoot" it. This includes cars he can see in his rearview and side mirrors. By aiming the radar unit directly at the mirror, he can clock any vehicle in the mirror's field. Once again, this technique might be questionable in court, but provides a lot of amusement for the lonely officer working late at night.

HOW MANY TYPES OF RADAR ARE THERE?

Basically, there are four types of radar being produced by the major companies manufacturing traffic radar in the United States.

TRAFFIC SURVEY RADAR is the one type of radar in use on the highways that doesn't represent a direct threat to your driver's license. These units are used by traffic engineers and in some cases law enforcement agencies, to conduct surveys of vehicle speed and volume on highways and surface streets. These X-band units may be mounted on tripods by the roadside, or mounted in an unmarked vehicle "to assure accurate surveys." The radar tabulates all the cars which pass through its field and breaks down their speeds into specific, pre-programmed categories.



A modern, moving radar unit with a small, versatile antenna, remote control unit and "Hold" switch for "defeating radar detectors."

By using traffic survey radar, the traffic engineer can determine how many people are driving above and below the posted limits and make accurate recommendations as to the redesign of the highway, changing the posted limit, or increasing enforcement efforts.

Perhaps the most common type of radar in use today is the STATIONARY RADAR. A patrol car equipped with stationary radar usually sits by the roadside with the antenna facing in the direction in which the officer intends to pick off the next violator. The antenna can be aimed in virtually any direction, but still limits the officer's effectiveness by requiring the unit to be parked while clocking violators.

Keeping the patrol car stationary presents some real

problems. When the engine of the car is started, the voltage drop will often clear the radar unit, losing the violator's speed. Because of this problem, the patrol car is usually kept idling. With gas shortages and the heat produced by modern catalytic converters, idling the engine for any period of time is both against some department's regulations, and virtually unbearable with the heat produced. Having a patrol lurking by the side of the road with a radar unit is also very bad for public relations.

When the patrol car is moving, the stationary radar can only clock the ground speed of the patrol car. This is sometimes used when pacing other cars, as it supplies a very accurate reading of the patrol car's speed.

MOVING RADAR is rapidly gaining in popularity over the older, stationary units. Moving radar is capable of clocking vehicles approaching or traveling away from the patrol car when used in the "stationary" mode, and is also capable of clocking oncoming cars when the patrol car is in motion. One of the newest moving radars gives the operator the option of clocking oncoming vehicles with the radar unit, or switching over to an electronic stopwatch device which is capable of clocking violators moving in the same direction as the patrol car.

HAND-HELD RADAR, sometimes referred to as "speed-guns" are highly versatile moving or stationary radar units housed in a very compact package. The unit is aimed like a gun at the target vehicle which can be picked out of a group of cars. These units may either emit continuously, or only when the trigger is depressed, and may either be wired directly into the

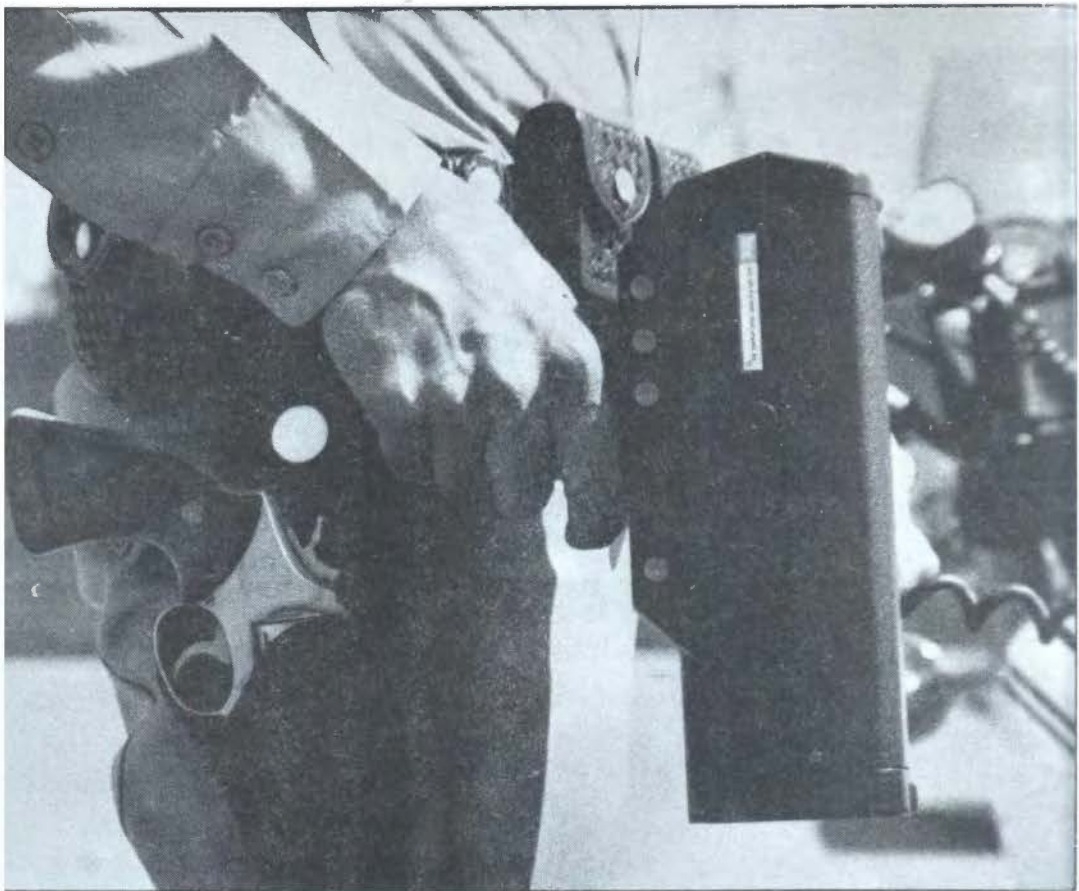


A hand-held moving radar, often mounted on the dash of the patrol car as well.

vehicle's system through a plug, cigarette lighter outlet or powered by a portable battery pack. Their small size allows them to be carried on motorcycles or in patrol cars where it can be aimed in any direction.

These hand-held units are really fun for officers who want to sharpen up on their "quick draw" skills while using some technology straight out of *Star Wars*.

These "radar guns" have occasionally caused misunderstandings with motorists who were unfamiliar with the technology. The sight of a fully uniformed police officer jumping into view and drawing a bead on your auto with what appears to be a small bazooka can be disturbing, to say the least. Officers are instructed to



The size of a radar "gun" isn't much bigger than the officer's revolver. Both "guns" can be deadly.

be non-aggressive in the way they use this piece of equipment, but the temptation to over-act is simply too great for some officers.

WHAT IS MOVING RADAR AND HOW IS IT USED?

Moving radar utilizes the same principles of operation as stationary radar, but in a much more sophisticated way. It only detects and displays closing targets in the opposite lane. Moving radar will not compute the speed of targets moving in the same direction as the moving patrol car.

The moving radar's advantage over stationary

radar, is that it allows the officer to patrol his area while using the radar. Thus, in addition to his speed control duties, the officer can assist motorists in distress, investigate abandoned automobiles and perform other routine duties. Moving radar is terribly efficient under most conditions. Because it only detects oncoming traffic, however, it is not usable on divided highways where it is impossible to make a quick U-turn to pursue the violator.

A moving radar measures two Doppler signals. To illustrate this, picture a moving radar equipped patrol car cruising down the highway at 55 MPH. Because there is relative motion between the patrol car and the ground, the microwave energy striking the ground and reflecting back to the antenna undergoes a Doppler shift which the radar converts to the patrol car speed. This is called "low Doppler."

Now, picture yourself as the target, approaching the patrol car at 70 MPH. The radar beam striking your car and returning to the antenna shows the combined speed of both cars, in this case 125 MPH. The computer in the counting unit then subtracts the 55 MPH patrol car speed from the combined speed and displays the result: a 70 MPH target speed. On most newer moving radar units, the patrol car speed is shown as well.

Moving radar can also be used as a stationary radar in the conventional manner, clocking vehicles in either direction while the patrol car is not moving.

One of the newest features appearing on modern moving radars is a sophisticated, VASCAR-like, time-distance computer. This is not a radar device, but only a glorified, electronic stop-watch. This device allows him to obtain speed readings over a measured distance

on vehicles traveling in either direction while the patrol car is in motion or stationary. However, the unit has no connection to the speedometer cable, or any other method of measuring the distance used itself. It relies on the operator to input the correct distance, usually based on his estimation. Because it uses the same display and counting unit as the radar, it cannot be used at the same time as the radar. Some agencies equip their cars with both moving radar and a separate VASCAR unit, and do work both lanes simultaneously.

Moving radar, often incorrectly referred to as "New VASCAR," probably constitutes the biggest threat to a speeding motorist. At a closing speed of over 100 MPH you may not even see the officer until you catch him pulling a U-turn in your rearview mirror. Many modern radars are equipped with a "hold" switch which allows them to use the radar intermittently, and transmit a radar beam only when he has visual contact with a target. Even if you're equipped with a radar detector, your first warning may be too late. With the ability to pace you from behind without using the radar (and without alerting your radar detector) and the ability to clock you from the opposite side of the highway, the officer can literally catch you coming and going.

HOW MUCH DOES RADAR COST?

Radar is very expensive. Traffic survey radar which automatically compiles statistics on the vehicles passing through the radar beam costs between \$12,000 to \$15,000. Stationary radar units start at about \$1,000 with a stripped down, no-frills package, and go up to

\$3,000 or more for the most sophisticated moving radars. These units are also available with costly options such as fully automatic ticket printers and speed recording instruments. Hand held "guns" are some of the least expensive, with a purchase price of approximately \$900 to \$1,300. Regardless of what a police agency pays for their radar, they all work quite well.

IF RADAR IS SO EXPENSIVE, HOW DO THE POLICE JUSTIFY THEIR COST?

There is probably no other piece of law enforcement equipment which is easier for them to justify. A really competent (or really incompetent) radar operator may write as many as 50 citations in a single day (this is assuming the guy is a real "hot pencil"). If you assume an average fine of \$20, this single officer is generating \$1000 in fines per shift. With three shifts per day, even the most expensive unit can pay for itself in 24 hours.

Of course, we've over-simplified this explanation to make a point. If you assume that the officer isn't too excited with his new radar (this is rarely the case, usually they go absolutely nuts like a kid with a new toy) and only wrote 5-10 tickets each day, the unit would easily pay for itself within a month.

As one manufacturer's representative put it, "if they don't pay for the unit within a couple of weeks, they're just not doing their jobs." With the economics involved, it's only public pressure that prevents *every* police vehicle from carrying a radar unit.

WHO PAYS FOR THE RADAR UNITS?

In the past 3 years, most radar money has come from the federal government through the Department of Transportation and Law Enforcement Assistance Administration. This money is often in the form of matching funds, but may sometimes cover the entire cost of the radar program. Whether it comes from the federal government, or out of state or municipal budgets, the expenditure for radar is ultimately paid for by the very taxpayers who will be cited by the use of the devices. It can be a long and hard battle to get the initial expenditure through the town councils and state legislatures. Even today, the California State Legislature has refused to authorize funding for the purchase of radar by that state's highway patrol. To lessen the burden of the initial radar purchase, many manufacturers make their radar units available to the agencies on a lease or rental agreement.

Often when the radar is to be used for a federally funded program, or when the town is located close to a federal reservation such as a military base, the federal government will pay for the cost of the unit (and sometimes the cost of the officer's vehicle and salary) to meet the increased demands on local traffic systems.

Some cities have been provided radar units by private institutions, foundations, large corporations and even service organizations such as the Lion's Club or the Kiwanis. Ultimately, either through taxation or citation fines, you are the one who pays for radar.

HOW MANY STATES USE RADAR?

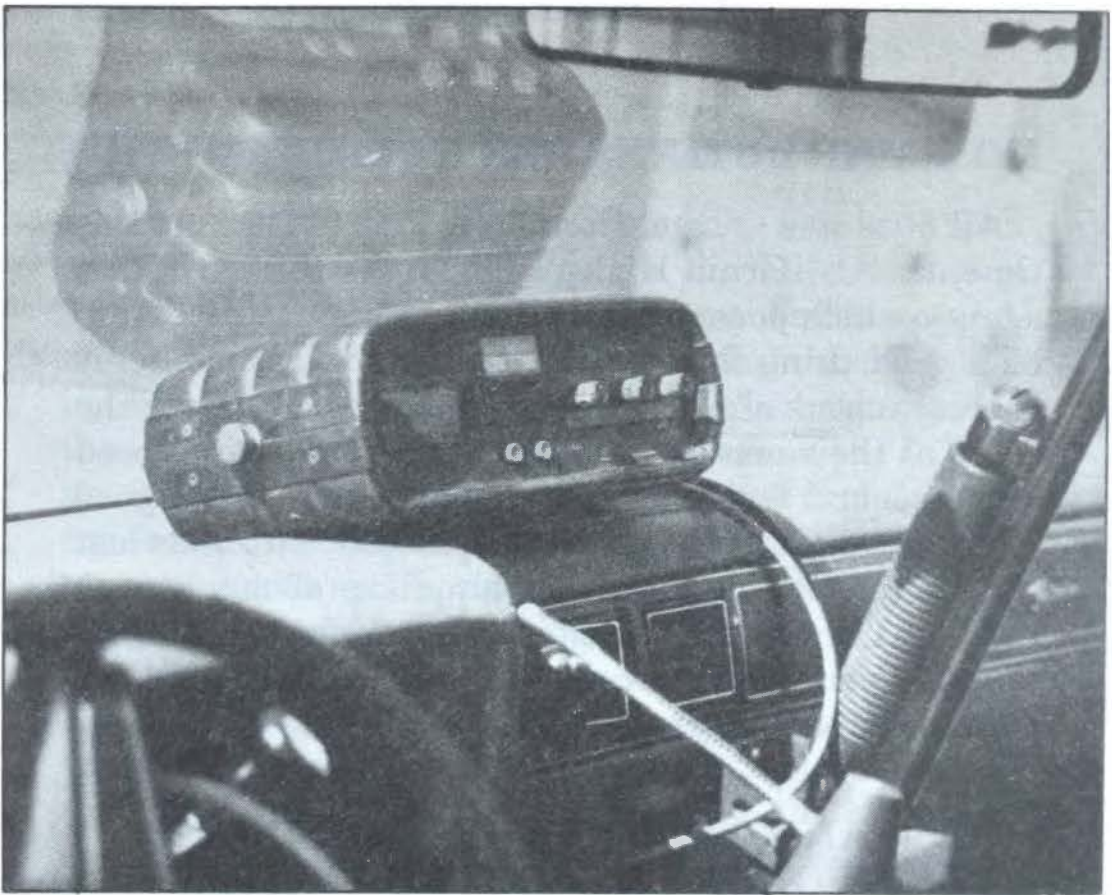
All 50 states . . . and Guam and Puerto Rico. At this time, the California Highway Patrol is the only state agency which does not have radar. This has proven to be a good thing for the CHP's public relations. Some truckers speak almost fondly of their citations from the CHP, as their non-use of radar makes the whole speed game seem a lot more "sportsman-like." These good "sports" from California wrote 2,297,087 citations last year. Despite their apparent handicap of not having radar, 1,112,913 of those citations were for speed violations, 17 percent of the speeding citations issued in the United States last year.

HOW MANY RADAR UNITS ARE IN OPERATION IN THE UNITED STATES?

Current estimates are that there are roughly 100,000 traffic radar units being operated by the approximately 23,000 law enforcement agencies in the United States today. This gives an average of four radar units to each agency, which may range in size from one officer to well in excess of ten thousand officers. One source estimated that there was one radar unit every 45 statistical miles on the Interstate Highway system. It all adds up to a *lot* of radar units.

DO OTHER COUNTRIES USE RADAR TOO?

Yes, radar is in use in over 20 foreign countries, including Canada and Mexico. However, no other country uses radar so extensively (or zealously) as in the United States.



Radar units age rapidly under their harsh service, but last almost forever.

HOW LONG DOES A RADAR UNIT LAST BEFORE IT WEARS OUT?

Unfortunately, radar units last almost forever with proper care and maintenance. They may look like they were "ridden hard and put away wet" (as cowboys used to say), but they just keep on working. Most of the parts which are susceptible to failure, such as the Gunn Effect diode and the digital displays are easily replaced.

When radar units are replaced, it is usually because the state of the art technology has changed, rather than any failure on the part of the unit. Law enforcement agencies just love anything new, and have

bought such recent improvements as the K-band radars, the "hold" switches which are supposed to defeat radar detectors and even a so-called "bionic radar" which speaks, calling out the speed of violators to the officer, even when he is out of the car. Often these new units are used in addition to the old units, rather than actually replacing the old units. Other units are sold off at bargain prices to smaller agencies on limited budgets, or even traded-in to the radar manufacturers as part of the purchase price of the new units.

WHAT HAPPENS TO THE OLD RADAR UNITS?

The majority of the old radar units taken in on trade by the manufacturers end up in warehouses where they just gather dust. Some of these are "remanufactured" with new components and sold into foreign countries, most notably Mexico and South America.

When a radar unit comes to the end of its useful life of patrolling the streets with a law enforcement agency, it is often cannibalized for parts by the technicians. This enables them to keep other units of the same vintage in use much longer.

Some departments have utilized their old radars in an attempt to frustrate radar detectors. Their old units have been mounted on staff cars and other department vehicles, and in one case, two units were mounted fore and aft on a patrol helicopter, just for the purpose of setting off any radar detectors which come within their range. This usage of radar has been declared illegal by the F.C.C., and they are slapping the hands of agencies caught using old radars in that manner.

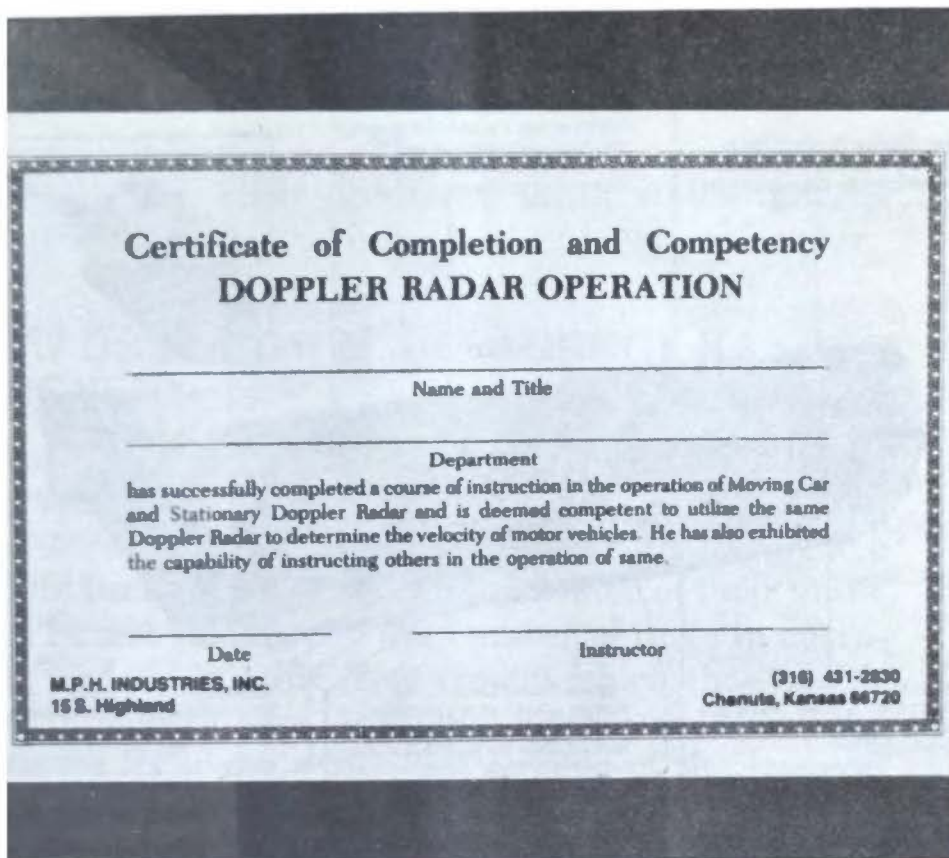
CAN A CITIZEN BUY A RADAR UNIT?

Yes, many uses for police-type radar units have been found by civilians. One of the most common applications of radar outside of traffic enforcement is in sports, where it has been used to clock both runners and racecars, and is often used to try out aspiring baseball pitchers. With the radar, it's easy for the coach to spot when a starting pitcher's fast ball starts to burn out.

It might prove interesting if a citizen were to use radar to clock police officers, putting the shoe on the other foot. When an officer drives, he doesn't have to keep one eye on his rearview mirror and the other on his radar detector. It would be very rare to find an officer who strictly adhered to the speed limits except when traveling under emergency conditions as required by law. More than one 100 MPH+ run has been made by less responsible officers hurrying to meet fellow officers at a local coffee shop, or rushing to deliver a still steaming pizza back to the watch commander.

DOES THE OFFICER HAVE TO HAVE SPECIAL TRAINING TO OPERATE RADAR?

Yes, the case of *Dantanio* vs. the State of New Jersey decided that the officer had to be trained in the use of radar, but that 1½ to 2 hours training was sufficient. Often this training consists of merely using the unit in the field under a senior officer's supervision. Radar manufacturers usually provide a free "dog and pony show" with the radar units at the time of purchase, which may be as long as 8 hours and include a full



presentation of slides and films. This training includes information on the theory of radar as well as its use, but by the time you finish this book, you will probably know far more about traffic radar than most police officers.

CAN I ASK HIM HOW IT WORKS?

Yes, and most times the officer will oblige your request. Most departments' policies require the officer to give you a brief explanation of his radar. Often times this only consists of showing you the unit with your reading, then clearing the unit of your speed and clocking the next passing motorist.

After reading this book, you should understand everything the officer tells you about his unit, as well as

Power / Audio: Dual control for "Power On" sequence and audio volume of the target's Doppler signal.

Target Display: Displays speed of closing or opening vehicle in stationary mode; displays closing vehicle in moving mode.

Patrol Display: Displays groundspeed of patrol vehicle in the moving mode, and may be blanked when the "Monitor" control is activated.

Stopwatch / Range: Dual control which allows the operator to select the stopwatch mode of operation or extend/reduce range depending on terrain or urban interference.

Remote Hold & Lock-Release Control: Allows operator to activate the system's "hold" mode, and to perform the lock-release function from the normal driving position.



Electric Eye: Controls light level of "target" and "patrol" displays, adjusting brightness to suit ambient conditions.

Lock-Release: Locks in or releases target vehicle speed and groundspeed. This function is also available with a remote lock-release button, supplied with the unit.

Highest Speed Lock: Allows the system to track an accelerating vehicle to its highest speed before locking while the system is in the "Automatic Mode" of operation.

Test: Performs, in sequence, light test, calibration and stopwatch test functions.

Stationary-Moving Mode: Selectable switch for determining the mode of operation.

Monitor: Allows the operator to blank the Patrol speed display.

Manual-Automatic Mode: Selectable switch for determining the mode of locking.

A modern radar unit has more features than an all-electric home.

being able to spot anything about the unit or his explanation that seems questionable. Compared to the explanations of radar's workings presented in this chapter, you'll find his explanations to be childishly simple.

DOES THE OFFICER HAVE TO HAVE A SPECIAL LICENSE TO OPERATE RADAR?

No, the only time an officer is required to have any kind of license for radar operation is when he is using moving radar: even then, the only license he needs is a driver's license. An officer operates under a blanket license covering all the officers employed by the

agency. Sometimes an officer may have a certificate of completion or other document which states that he received the proper training in the operation of radar.

HOW DO I KNOW IF HIS AGENCY HAS A LICENSE?

You won't have any idea at all unless you ask someone. All agencies using radar are required under Federal Communications Commission regulations to have a valid license (station) for the operation of their units. This license will specify the number of units in operation, and the specific frequency(s) which they are licensed to operate on. Any units which are beyond the quantity listed, or which fall outside of the licensed frequency(s) are illegal units. Often a department will add units, or add K-band units to their existing X-band units, and neglect to update their license as required.

For current information on police radar and state or municipal radar licenses, you can inquire at a local FCC Field Office, or call or write directly to:

Federal Communications Commission
Industrial & Public Safety Facilities Division
Licensing Office, Room 5308
2025 M Street, N.W.
Washington, D.C. 20554
(202) 632-6475

If you only need a copy of a particular law enforcement agency's license, you have to go through a separate office, which is an independent business working under contract to the FCC. Their address and phone number is:

Downtown Copy Center
1114 21st Street, N.W.
Washington, D.C. 20037
(202) 452-1422

The Downtown Copy Center will charge you a "research" fee for locating the information within the FCC's files. This fee can run anywhere from \$10 to \$300 depending on the information needed. Processing takes a week to ten days, although "expedite" and "same-day" service are available for an extra charge.

When writing to either of these agencies, be sure to mention the specific law enforcement agency about which you are inquiring, and refer to the radar license as a "radiopositioning equipment" license, the FCC terminology for such units.

Another alternative to finding out about an agency's license is to ask the agency itself. Always do this in writing and by certified mail, as this becomes a record of your inquiry which can be used in court if necessary. Basically, the letter should read:

Dear Sirs:

In connection with a pending appearance in the (name of court) on (date of appearance) at (time) I respectfully request the manufacturer's name, serial number, model number and any other identifying symbols for the particular piece of radiopositioning equipment (radar) used on Citation #_____ issued by your agency on (date and time of violation) at (location).

I also need to have as an integral part of my defense, a copy of your agency's Federal Communication Commission radiopositioning (radar) license, showing the license number, date of issuance, date of expiration, authorized frequencies and number of units licensed at the time of my citation. Thank you for your cooperation in this matter.

Sincerely,
(Your signature)

If the agency fails to respond to this inquiry, it can appear in court that the agency was attempting to conceal the information from you.

If you're really serious about taking your case to court and pursuing the issue as far as possible, you will need to explore every possible technical avenue which could conceivably relate to your defense. To do this, you subpoena the agency's FCC license, the actual radar unit which clocked you, the officer's training records (often there are none), the radar unit's calibration and maintenance records, the officer's daily log of

activities for the date of your citation, a complete list of the citations issued by that officer for that day (including citation number, location and speed cited), the tuning fork(s) used in the calibration of the radar unit along with their certificates of calibration, and last of all, a complete listing of the makes, models and serial numbers of all radar units in use by that agency. We'll cover how to obtain and use this information in our chapter, "Fighting the System."

CAN THE RADAR UNIT MALFUNCTION?

No, radar has been totally perfected in the last few years and is incapable of making mistakes. At least, that's what the manufacturers and operators of radar would like to have you believe.

Actually, radar is as susceptible to failure and error as any other piece of electronic equipment. They're not any more sophisticated than your color TV or the Skylab space shot, and we all know they never fail either, right? There are numerous ways in which the radar may malfunction and give an incorrect reading, or no reading at all. Often these are due to electrical or mechanical interference rather than the failure of any electronic component in the system.

IS IT TRUE THAT PUTTING TINFOIL IN MY HUBCAPS WILL MAKE THE RADAR GIVE A FALSE READING?

This is a widespread rumor among uninformed people, one that has even found its way into print. In a modern book about "beating police radar legally," the

A radar unit is only as good as its operator.



author says, "The most popular way (to confuse radar) is to place balls of tinfoil under hubcaps and wheel covers. The bouncing and reverberating of the metal globes emits sounds resonant at a specific radar frequency. This can also occur when balls of tinfoil are placed in other cavities within the car's bodywork."

The author continues by saying, "One man I met took the same principle a step further. He keeps a key ring around the rearview mirror and insists that the high-pitched reports caused by the meeting of keys makes the radar ineffective."

Another common belief is that "static straps" defeat radar by grounding the body of the automobile. You should file all of these rumors away with your lucky rabbit's foot and your deed to the Brooklyn Bridge: there is simply no truth to them at all. Many of these rumors may have stemmed from the use of "chaff" or "window" by aircraft in World War II. Chaff are metallic strips that were dropped during air attacks to mask the movements of the aircraft from enemy radar. These strips form a radar "smoke screen" which can confuse aircraft tracking radars. However, an automobile is not an aircraft, and modern police radar bears little resemblance to aircraft radar.

WILL RAPID DECELERATION AFFECT THE RADAR UNIT?

On radar units with digital displays, a rapidly declining speed may be nearly impossible for the operator to read. However, as soon as the officer hears the tone drop on his audible doppler, he knows that the

radar unit has been “made” and he’ll hit his lock button, preserving your highest speed.

Many radar units have an automatic lock on the highest verified speed of the target vehicle. In order to “verify,” older units require at least one second of tracking your vehicle, modern units verify in one-fifth of a second. An erratic in-put caused by a rapid change in speed will be rejected by the unit. An erratic in-put is a change of 3.15 MPH per second for the older units, and 15.75 MPH on the newer models. Assuming that the radar is not already tracking your vehicle (because your reaction time is bound to be longer than the radar’s verification time) a rapid deceleration may prevent the unit from locking onto your speed.

The deceleration required to confuse a modern radar unit would require you to brake from 70 MPH to 55 MPH in a little under one second. If you’re going to try this one, check your rearview mirror first, otherwise you might end up with a semi-rig in your trunk. Even if the truck following you didn’t collide with your car when you hit the brakes, the trucker’s fist might collide with your nose at the next truckstop.

WHAT CAUSES RADAR TO MALFUNCTION?

Most radar malfunctions can be attributed to electronic failure, mechanical interference, or electronic interference.

An electronic failure is a failure of one of the components of the radar unit, and rarely affects the speed at which you were clocked. The most common component to fail is the Gunn Effect diode. Typically, the range of

the radar unit becomes weaker and weaker until there is no reading at all. Replacement diodes are often supplied free of charge by the manufacturer, and replacing the diode is a relatively simple task.

Another electronic failure occurs when a segment of one of the number displays burns out. Most radars have a test which reads "188" or "888" to check all segments. Usually a burnt out segment will count in your favor, with a 6 possibly reading as a 5, or a 7 reading as a 1. The only number that may read higher with a burnt out segment would be an 8. With two burnt out segments, the speed of 88 MPH could read out as 99 MPH. However, a defense statement of, "But I was only doing 88 MPH!" probably wouldn't go over all that well in court.

One type of mechanical interference with the operation of radar is natural phenomenon such as rain, fog and blowing dust. These tend to shorten the range of radar and cause strange sounds over the audible doppler. Wind-blown tree limbs and signs can also generate false signals. Often, radar units will give a little "beep" and some speed will arbitrarily show on the display; even when the patrol car is parked on an isolated stretch of highway with no other traffic within miles.

Another type of mechanical interference which is limited to moving radar is called "Shadowing." As the patrol car is passed by a truck or other large vehicle moving in the same direction, the radar may read the back of the truck instead of the ground speed. The radar thinks that the truck is the ground, so instead of showing a ground speed of the patrol car as 55 MPH, it

sees it as perhaps 10 MPH, the difference in the speed between the truck and the patrol car.

Now the patrol car clocks an oncoming violator who is actually doing 55 MPH. The closing speed between the two cars is 110 MPH, so the unit subtracts 10 and reads 100 MPH on the "violator."

One widely used model of radar from a specific manufacturer suffers from a malady known as "The 715 Error" (in reference to the model number of the unit). When this moving radar is traveling at 55 MPH, it won't read the speed of an oncoming vehicle traveling 53-57 MPH. Instead, it reads right through this first target and shows the speed of the vehicle behind it. If the vehicle following the target is doing 70 MPH, the perfectly legal target may be cited for excessive speed.

"Batching" is another form of mechanical error. While the moving radar follows changes in the target's speed almost instantaneously, it is relatively slow in responding to changes in the ground speed of the patrol car. If the patrol car accelerates suddenly, the radar may immediately read the increased difference between the speed of the patrol car and the target vehicle, without picking up the increase in ground speed. If a patrol car suddenly sped up 5 MPH while closing on a target, the increase would be added to the target speed and a motorist traveling 56 MPH could be cited for doing 61 MPH.

Electronic interference is probably the most common cause of false readings and spurious, phantom speeds. Radar manufacturers used to explain spurious readings to the officers through their instruction manuals, but they were largely eliminated when the public be-

came aware of them and started using them in court. In fact, instruction manuals which are subpoenaed into court often have the pages dealing with interference and spurious readings torn right out of the manual.

Electrical storms, power transformers and transmissions lines, C.B. radios, neon lights and automobile inverters are just a few of the sources of electronic "noise" in the environment. Although these operate at different frequencies than traffic radar, they generate "harmonic" frequencies which may affect the radar. A harmonic is simply a multiple of a base frequency; so a device operating at 500 hertz may create interference at 1000, 1500 and even 10,000,000 hertz, occasionally causing a false number on the radar display. The less expensive radar units are more susceptible to this type of interference than the higher quality units which incorporate special filters to reject these signals.

Many of the latest generation of moving radars mount the antenna inside the car, on the dashboard. The antenna can be aimed in any direction while the car is stationary, allowing the officer to set on an overpass and "shoot" cars in either direction. A little known fact about the units is that spurious readings often occur whenever the antenna is pointed in the direction of the counting unit. This type of malfunction, like most of the others, is rarely understood by the officers who operate the radar units.

CAN YOU CAUSE RADAR TO MALFUNCTION?

Yes, as previous discussed, it's relatively simple for

the unskilled officer or the officer who is purposely "cheating" to misuse his equipment and obtain a false reading from the radar unit.

There are also ways in which the motorist can cause the radar unit to malfunction. Police radar can be caused to malfunction either by intentional or unintentional transmissions of radio or other electronic interference generated by your vehicle. There are even specific devices called Electronic Counter Measures, or ECM's which are designed to give false readings on police radar.

CAN POLICE RADAR BE JAMMED?

Yes, that's what electronic counter measures are all about. ECM's got their start as a system for jet fighters. The ECM detected when enemy radar found the fighter, pinpointed the location of the radar transmitter and sent a missile back to the source to destroy it.

ECM's to counter police radar aren't quite up to the level of pinpointing the patrol car and destroying it with a missile, but the technology is advancing steadily. Radar jammers are becoming available to the public now, being sold under the guise of Amateur Radio equipment or radar calibration devices. The use of these devices for the purpose of jamming a police radar rig are clearly illegal, however, because the equipment can be used for many other completely legal purposes the jammers are available.

Most jamming devices broadcast a signal in the radar frequency range equivalent to a speed predetermined by the operator. The broadcast signal

overpowers the much weaker reflection from the radar transmitter and "force-feeds" the false information into the receiver. Even though the reflection says 70 MPH, the much more powerful transmission returns to the unit at 55 MPH or whatever other speed the operator has selected. Jamming devices are currently available at a cost of between \$600 and \$1000, but often have a very short range. Also, the jamming effort would be very apparent to a police officer using an audible tone; he could literally hear the radar jammer. Of course, these devices have no effect on pacing or VASCAR systems, and a device which jams an X-band unit might have no effect on a K-band radar, or an X-band unit working slightly off frequency.

Anyone foolish enough to use an ECM like this would probably be arrested by federal authorities, if not picked up and lynched by radar detector equipped truckers first, as his jamming transmitter would be setting off every detector within miles.

WHO FIXES THE RADAR UNITS WHEN THEY BREAK?

While the unit is still under the factory warranty (from 90 days to 5 years, depending on the unit) or if the unit is under lease, all repairs to the unit are performed by the factory's trained and FCC licensed technicians.

State police and other large agencies maintain their own radio shops (often shared with all other departments using radios) and licensed technicians who are capable of handling most repairs to the radar units as well. Smaller departments may have one specially

trained officer or civilian technician who handles all of the repair and maintenance for all of the agency's radio and radar equipment. A very small town without the equipment, manpower or resources to repair their own units may keep a maintenance agreement with the manufacturer, or have the service performed by a local electronics repair shop authorized by the manufacturer.

HOW IS THE RADAR UNIT CALIBRATED?

All digital radar units are equipped with a self-test function which is commonly referred to as a "calibrate" or "test" mode. When this calibrate or test button is pushed, and internal crystal supplies a signal frequency to the counter in the computing unit. This same signal frequency is then divided to provide a time base or counting period. A typical generated ratio is 64 counts, or cycles, per time period. If the unit's counters are operating properly, this ratio will be displayed as the predetermined speed (64 MPH). It is very important to note that this ratio is the only thing which is tested. If, for example, the crystal itself is off-frequency but the ratio remains the same (as it usually does), the radar will be inaccurate. The officer who performs only this test will have no indication that the radar is furnishing him with inaccurate speed readings. Radar manufacturers commonly label this test function with the word "Calibrate" and this inadvertently misleads even the most well intentioned officer into believing that he has actually "calibrated" his radar unit. It is very important that this point be clarified during any trial involving the use of radar if the officer refers to



Proper calibration is simple, but often neglected.

"calibrating" his radar with this internal function. The case of *Connecticut vs. Tomanelli* established the *certified* tuning fork as the *only* acceptable test of the radar's accuracy.

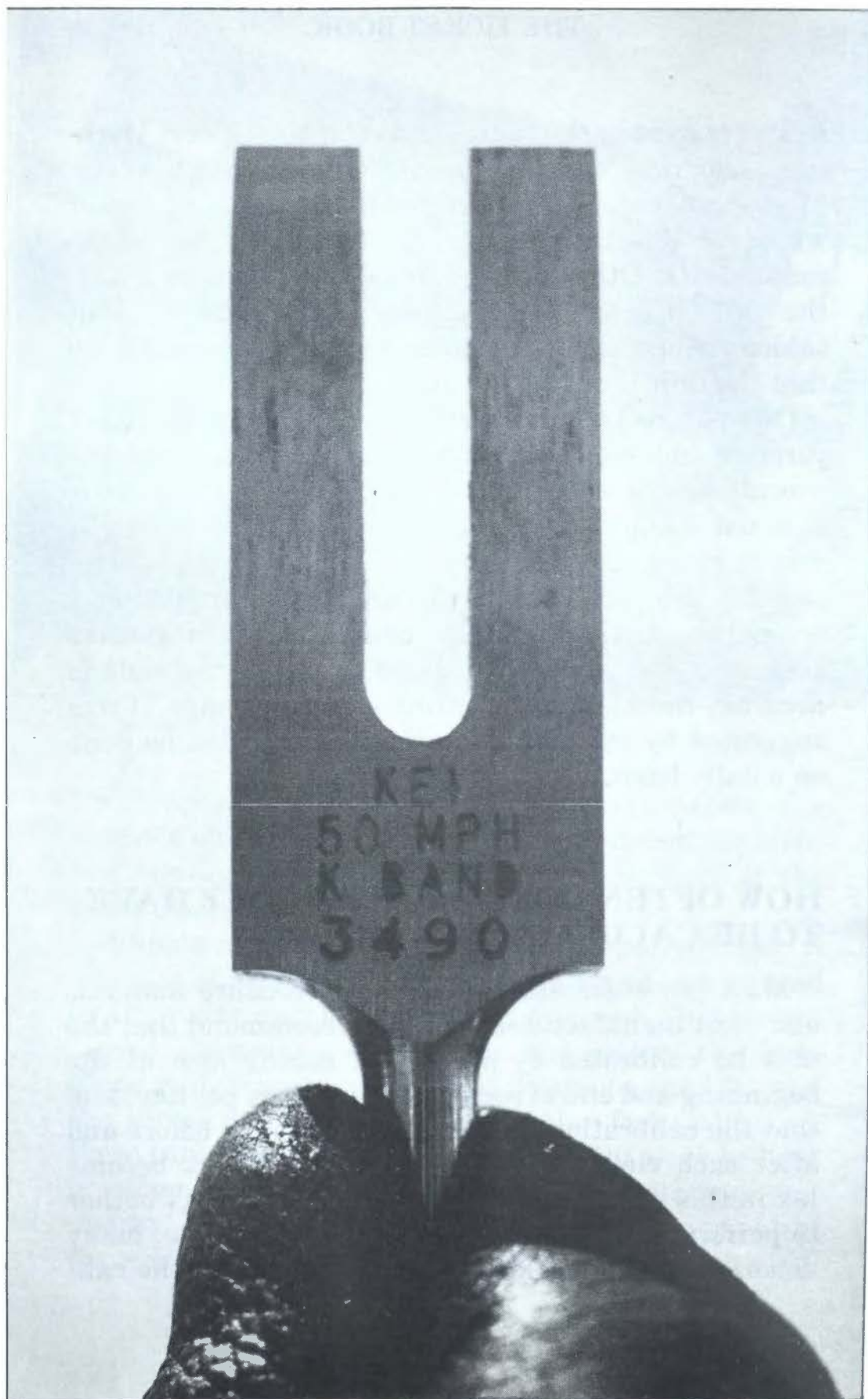
When a radar type tuning fork is properly struck, it vibrates at a known frequency, one which can be read by the radar unit and converted to speed. This known "speed" is usually stamped on the side of the fork, along with the operating band it is to be used for and the serial number of that particular fork. Although these tuning forks are fairly durable, they can be bent or otherwise damaged, resulting in an improper frequency. Many officers carry a tuning fork in the patrol car with them for calibration purposes, although some

forks are kept in the radio shops and the officers working radar may not have seen them for several years. Most sophisticated radio shops have a signal generator which can also be used to evaluate the accuracy of the radar units. Other equipment allows them to adjust the unit for peak power output and performance, but seldom is any provision made to check the frequency that the unit is operating on.

One test has been described by a leading manufacturer of radar as "perhaps the best indicator of the overall health of the radar." In this test, the radar is directed straight down a roadway as the patrol car is driven through a range of speeds. The radar is compared side-by-side against the calibrated speedometer (even though the radar is capable of much greater accuracy) and gives a good indication of the radar's accuracy throughout the entire operating range. It was suggested by the manufacturer that this test be done on a daily basis.

HOW OFTEN DOES A RADAR UNIT HAVE TO BE CALIBRATED?

Most law enforcement agency's procedure manuals and most manufacturers of radar recommend that the unit be calibrated *by a certified tuning fork* at the beginning and end of *each* shift (six times per day) and that the calibration sequence be performed before and after each violation. However, many officers become lax in this boring and repetitive task and don't bother to perform the required calibrations. Likewise, many departments do not keep accurate records of the cali-



brations and may not even supply their officers with the tuning forks required to conduct a proper calibration.

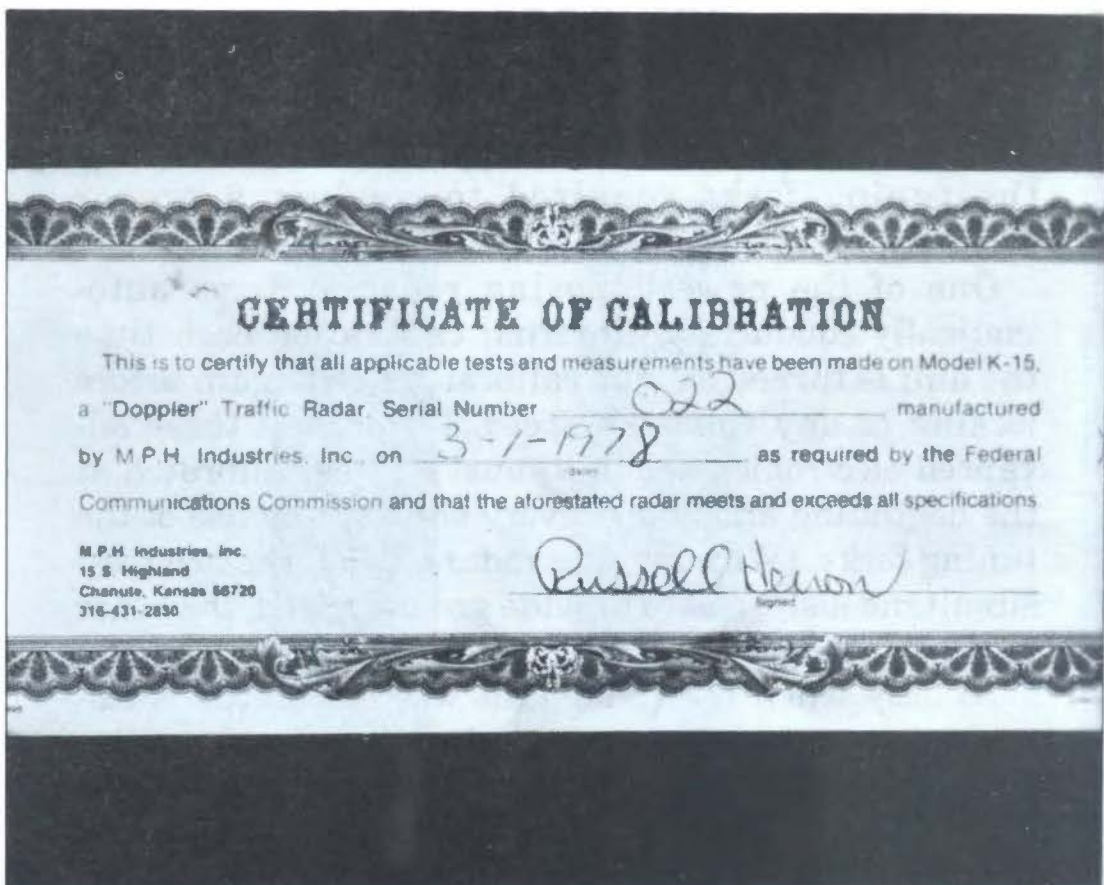
One of the newest moving radar systems automatically conducts an internal calibration each time the unit is turned on, and calibrates itself again before locking in any violator's speed. Despite all these advanced electronics, the unit must still be calibrated at the beginning and end of every shift by the use of the tuning forks. (With moving radars, two forks are used simultaneously, one to provide ground speed, the other to provide target speed.)

Exactly when the radar unit was calibrated is important to your defense. The rules of evidence require the prosecution to prove the radar's accuracy at the time of your alleged violation. This can only be done by providing evidence that the unit was calibrated *both before and after* the incident and was operating properly both times. Lacking such evidence, the accuracy of the radar unit cannot be established by the prosecution.

SHOULD I ASK TO SEE HIS TUNING FORK WHEN HE STOPS ME?

Yes, anytime you are stopped and cited by a radar unit you should ask to see his tuning fork. If he is unable to show you one, it casts more than a little doubt as to whether he had calibrated the unit before and after your alleged violation.

A certified tuning fork, the only acceptable method of calibration.



WHAT IS A CERTIFICATE OF CALIBRATION?

A Certificate of Calibration is an official looking document provided with the radar unit by the manufacturer. The paper is covered with more printed frills and flourishes than a kindergarten graduation diploma and is about as meaningful.

All this "certificate" really tells you is that the piece of equipment really is a radar unit and that according to some unknown and untitled person's statement, the unit worked when it left the factory. This piece of paper is about as important as the paper in a new pair of pants reading "Inspected by #17."

KUSTOM KR-11 DAILY TEST & CALIBRATION LOG

Date _____

KR-11 Serial No

ON DUTY TEST & CALIBRATION

[illegible]

TEST & CALIBRATION DURING SHIFT

[illegible]

OFF DUTY TEST & CALIBRATION

[illegible]

Instructions:

1. Note time unit is placed in service. Conduct the forced light test and calibration sequence during "power on" or by depressing the "Test" control button. Conduct the stationary and moving tuning fork tests. Check all appropriate boxes in the **On Duty Test & Calibration** column as tests are performed. Initial the "Sign" box when tests are satisfactorily completed.
2. During the shift, conduct the forced sequence and tuning fork tests after each apprehension (noting time of apprehension), check off the appropriate boxes, and initial the "Sign" box in the **Test and Calibration During Shift** column.
3. At the completion of the shift or prior to turning over the KR-11 to another operator, conduct the forced sequence and tuning fork tests, checking appropriate boxes as the tests are performed in the **On Duty Test & Calibration** column. Initial the "Sign" column box when tests are satisfactorily completed.
4. Use the "Comments" section to note any unusual performance characteristics.

Comments _____

IS THERE ANY OTHER RECORD OF THE RADAR'S CALIBRATION?

Many agencies keep absolutely no record of the radar's periodic or daily calibrations, and probably many courts would be surprised to find this out if it were ever questioned in a trial. Most manufacturers recommend that a daily test and calibration log be kept for each unit, with the unit being calibrated before and after the shift, as well as before and after every violation, but these are rarely kept due to the sheer amount of paper work involved.

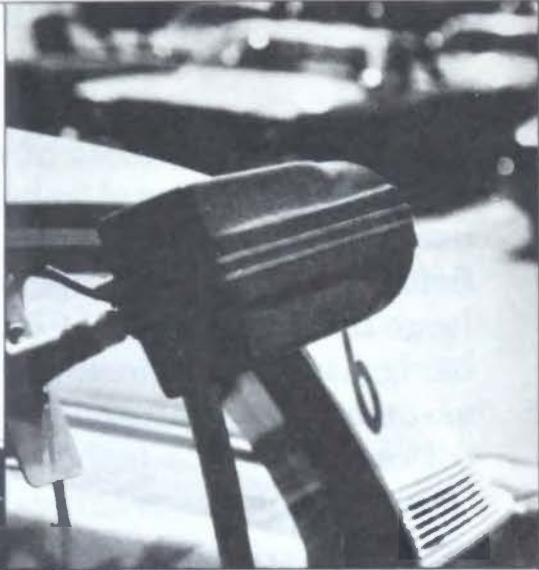
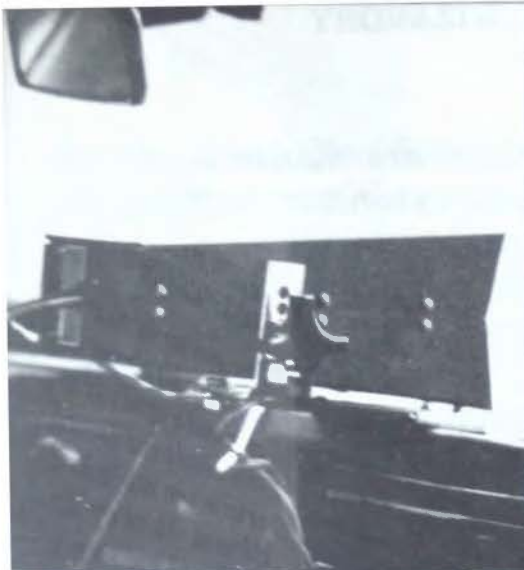
HOW CAN I TELL IF A POLICE CAR HAS RADAR?

With the huge number of radar units in operation on the highways today, the safest course of action is to assume that any police car you approach may have radar. Today's radar units are becoming more and more compact, and therefore more readily concealed. Radar detectors can help you spot the radar units, but even the detectors are not foolproof with "holding modes" and VASCAR devices. When you see a snake between your feet you don't look to see if he's poisonous, you jump out of the way. It's the same way with patrol cars; if he strikes, it could be deadly to your license. Don't wait until you figure out whether he's poisonous.

ARE ALL RADAR CARS WORKING TRAFFIC ENFORCEMENT?

All radar cars are not necessarily working traffic

Traffic radar takes many forms, both inside the car and out.



enforcement, but most of them are. Radar equipped vehicles are also used in traffic to conduct traffic engineering surveys, and even used by private trucking firms to keep tabs on their drivers. However, with the large number of unmarked and inconspicuous vehicles being used in some states as radar units, it's safe to assume that any car with a radar unit might be a police unit.

CAN THEY USE RADAR FROM AIRCRAFT TO CONTROL TRAFFIC?

No, the previously discussed "cosine angle factor" makes the use of traffic radar from aircraft very impractical. Theoretically, a low flying aircraft cruising at low speeds could track a vehicle target with radar, but it would be really tough trying to pull over the violator. Aircraft are far more effective in their roles as observers, working in conjunction with ground units to apprehend speeders.

At one time, some state agencies had equipped their aircraft with obsolete radar equipment directed toward the highways with the intention of triggering radar detectors. This usage of radar has since been ruled illegal by the F.C.C.

ARE THERE ANY AUTOMATED RADAR UNITS?

No, but there are many non-radar units which are mistakenly identified as radar units. One of the most devious of these is the "ORBIS" system. ORBIS uses sensors buried in the pavement much like the old hose

timers. When the ORBIS system senses a speeder, it snaps a picture of the violator's car with infra-red film and special polarizing filters which allow the unit to capture the driver's face through the windshield. The unit also records the date and time of the violation, along with the posted speed and the violator's speed. A photo-ticket is then mailed to the violator's home.

These units are very impractical for a number of reasons. They are very expensive, ranging from \$10,000 to \$27,000 depending on the options and frills. The units are also highly vulnerable to vandalism, subject to a little midnight target practice by an irate motorist, or just a little spraypaint applied to the lens.

The unit also brings up some truly novel legal problems. Invasion of privacy is an un-resolved question. A picture of a man out for a drive with his lover could be disastrous if mailed to his home and opened by his wife. Also, with the unit being unattended for long periods of time, it would be difficult for anyone to make claims as to the unit's accuracy and calibration. The inability of the unit to speak for itself would seem to make it a little difficult for it to testify or be cross-examined.

DO THEY HAVE TO TELL ME IF THEY USE RADAR?

No, there is nothing that requires the officer to tell you that he used radar, but he almost invariably will inform you that he used radar if he did. Most motorists find radar to be terribly intimidating and are unwilling to even attempt to fight a citation stemming from its use. The officers are well aware of this powerful

effect that serves to keep them out of court, but are often as ignorant of the shortcomings of radar as you are.

DOES HE HAVE TO SHOW ME MY SPEED?

Once again, there is nothing that requires the officer to show you your speed, but most officers will show you the unit if the situation seems appropriate. Trying to show the radar to a harried housewife with a car full of kids in the middle of a downpour would be silly, but most officers will be only too happy to show you their units with your speed locked in if the conditions permit. This is an important part of selling the ticket to you. Once you see your speed, most motorists give up their cases on the spot; who can argue with a radar unit?

If the officer is reluctant to show you your speed, or flatly refuses to show it to you, it casts a certain amount of doubt as to the validity of the displayed speed. The officer's refusal can only count in your favor in court.

HOW DOES HE KNOW THE RADAR WAS TRACKING ME AND NOT ANOTHER CAR?

The courts have recognized that the vehicle closest to the radar unit is the "target" vehicle when it is in the radar's beam. Although radar has been known to "skip" over small cars and clock large targets such as trucks coming up from behind, the courts still maintain that the lead vehicle in a pack is the valid radar target. If there is any question about which target is

which, most officers will let those cars slip by (unless the speed is really flagrant) and wait for the next clear shot. Veteran radar operators carefully avoid working locations which present poor targets that may be questionable in court.

DOES THE SIZE AND SHAPE OF MY VEHICLE AFFECT THE RADAR?

Yes, the size, shape and even the construction of the vehicle all play an important part in determining the radar's range. About the maximum effective range for any traffic radar is $\frac{1}{3}$ of a mile for small, compact vehicles, $\frac{1}{2}$ mile for full size automobiles and $\frac{2}{3}$ mile for larger vehicles such as trucks.

Radar always tracks the strongest target, but the courts have maintained that the nearest target is always the strongest.



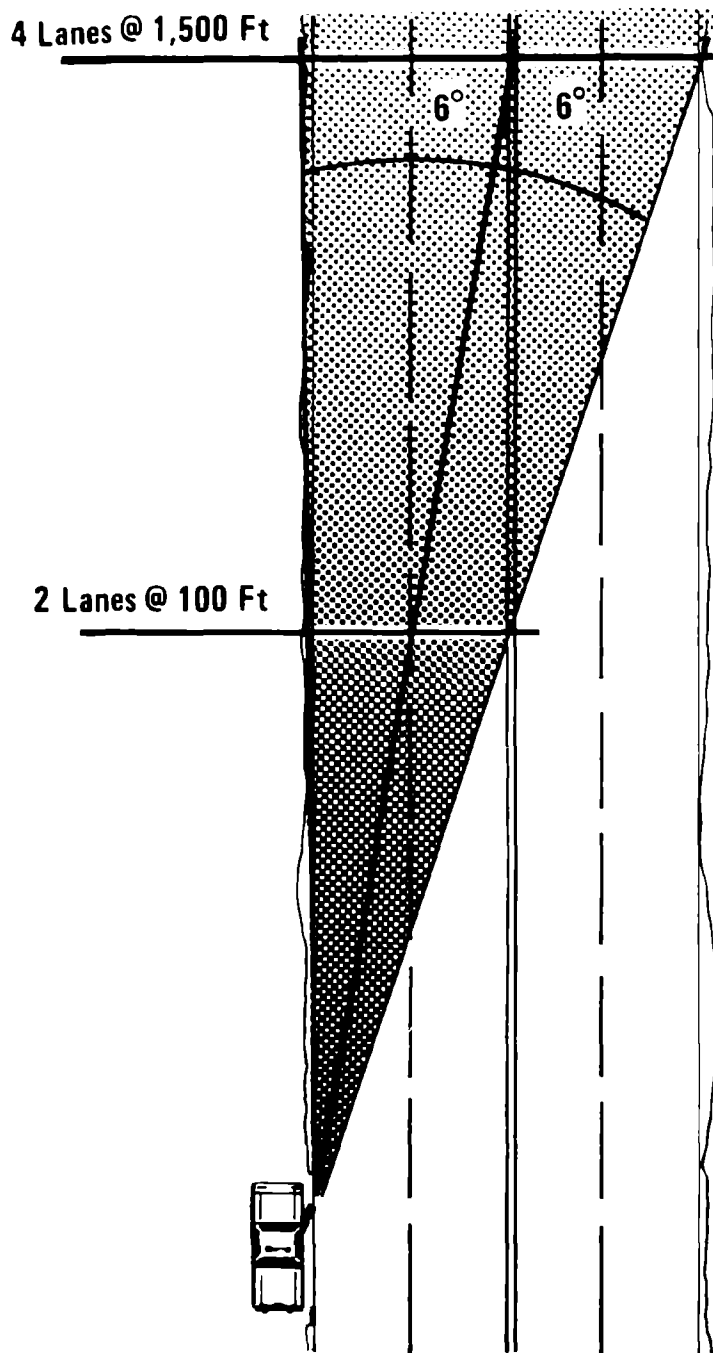
The shape of the target is very important, too. The huge flat surfaces of the front end of a big truck are just about ideal for reflecting radar waves, while the low, sloping hood of a sports car returns little of the signal to the radar antenna. Metal surfaces tend to be more reflective to the radar energy than fiberglass or plastic panels. None of these factors will make your car "invisible" to the radar, but they do help to reduce the range at which the unit can clock you.

CAN RADAR CATCH ME ON MY BICYCLE?

Yes, and it's not all that uncommon for an officer working radar to issue a citation to a speeding bicyclist who passes through the beam. The range is somewhat limited, but once the radar locks onto the target the reading is valid. In fact, one frustration that radar operators sometimes encounter is having their unit blocked from speeding autos while the unit is locked onto a bicyclist puffing past. A number of campus police agencies at major colleges have invested in hand-held units to combat speeding bicyclists.

HOW WIDE OF A BEAM IS THE RADAR UNIT SENDING?

Depending on the unit, radar manufacturers list their beam spread as 6° to 8°. This is a little deceptive, as their measurement is actually the number of degrees the beam spreads from the exact center of the beam, so the full width of the beam is 12° to 16°. This amounts to a beam roughly 225 feet in diameter at a distance from the unit of 1000 feet.



The Width of a Radar Beam

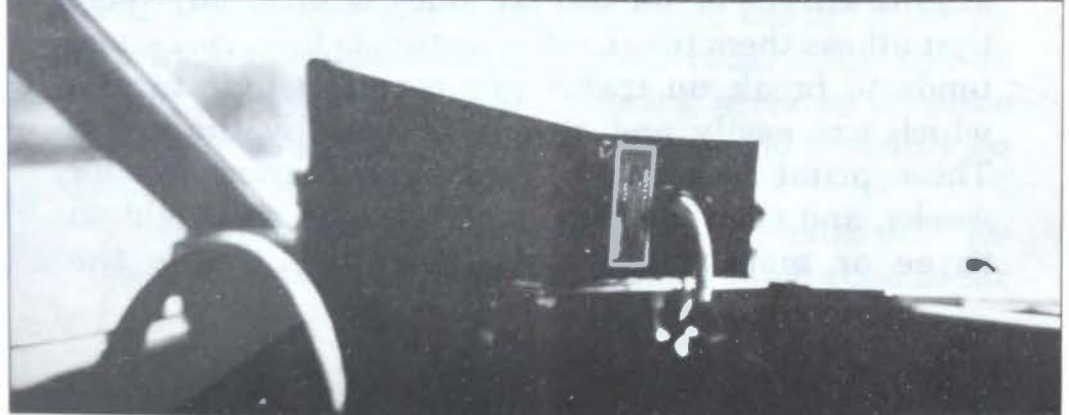
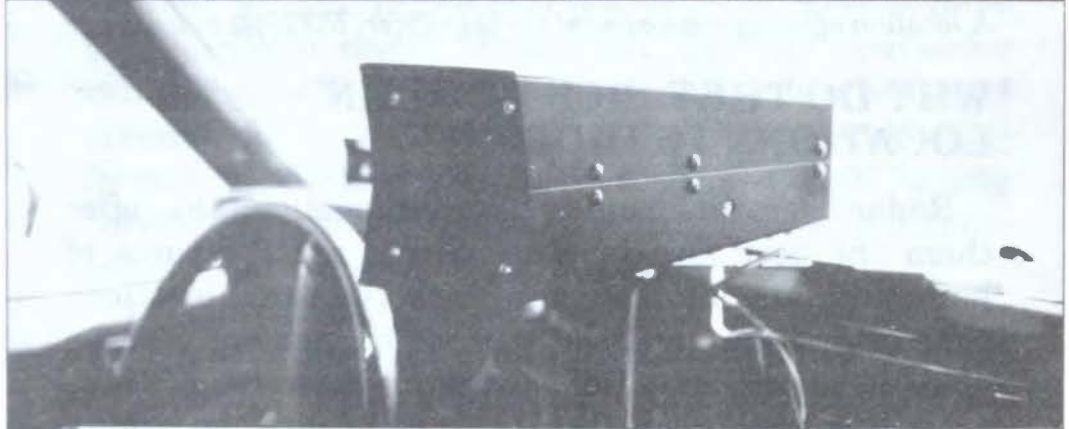
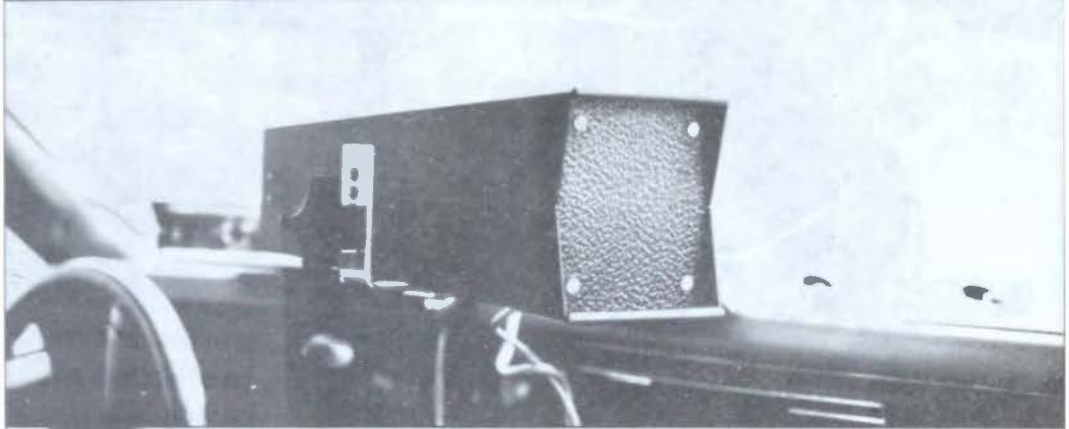
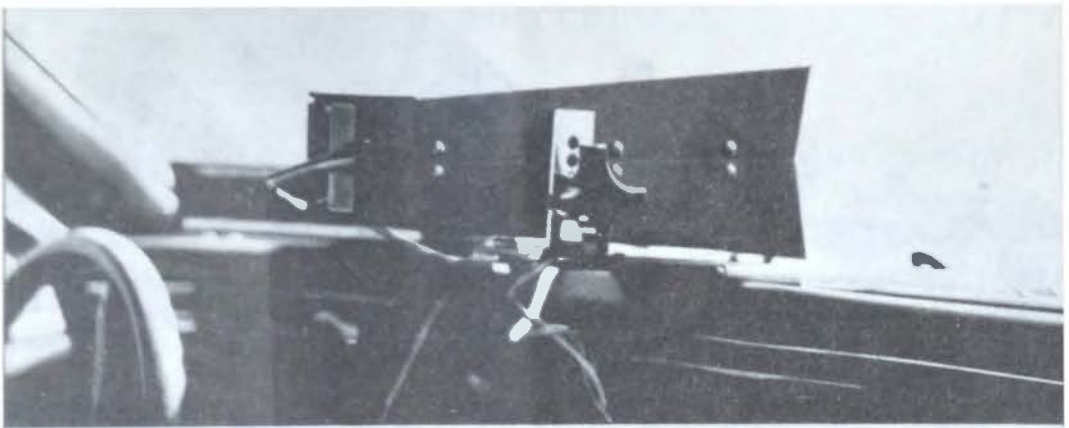
Many officers have found that the effective beam width of their radar unit is similar to their field of vision using the side mirror of the patrol car, and they often use the mirror as a guide when operating the unit. Early radars had a sighting tube mounted on the antenna, rather like the old bazooka sights, which allowed the officers to accurately aim the devices.

DOES THE RADAR UNIT ONLY CLOCK CARS BEHIND THE PATROL CAR?

No, the radar can track cars in whatever direction the antenna is pointed. Almost all antennas can be easily pointed either forward or backward, and some units may be directed to either side as well. Clocking vehicles coming up behind the patrol unit is preferred by many officers, as it allows them to pull into traffic immediately behind the violator rather than making a U-turn to pursue in the opposite lanes. Of course, moving radar will only track oncoming traffic in the opposite lanes while the patrol car is also moving.

Many manufacturers claim to have a full 360° capability by mounting the radar antenna on a swivel that can be rotated by the operator. This allows the officer to work an overpass and clock the cars traveling underneath in either direction. Even the older, window mounted units can be easily rotated by a flick of the adept officer's wrist, so don't speed up after passing a rear-facing radar unit. He may be clocking you in front of the patrol car as well, by rotating his antenna. No radar unit can track in two directions at the same time, only in the direction in which his antenna is facing.

Modern radar units are capable of tracking in any direction while in the stationary mode.





A location offering concealment for the officer, but close to traffic.

WHY DO THEY PICK CERTAIN LOCATIONS TO HIDE IN?

Radar operators usually pick the locations that offer them the best targets. The officers are creatures of habit like anyone else, and work the same locations time after time until the spot is "burned out." These ideal locations are often just over the crest of hills, around curves or on the far sides of dips, anywhere that allows them to catch the motorists by surprise and tends to break up traffic groups into single targets which are easily and clearly tracked by the radar. These prime locations can be worked every day for weeks, and even the same motorist may be caught on three or more consecutive mornings. While the

motorists seem a little slow to learn about the location of the radar trap, they're often quick to learn the routine of getting stopped. The second time they spot the radar car, some motorists have even pulled over in front of the patrol car with no action taken by the officer.

Remember that the radar operator is one of the lone hunters, and that certain locations are like a watering hole where speeding motorists gather. You can always expect to find the hunter where the game is most plentiful.

CAN I WARN OTHER MOTORISTS ABOUT THE RADAR TRAP?

Yes, but you do run the slight risk of being arrested for your actions. In the past few years, motorists have been arrested under "Disorderly Conduct" codes for using their CB radio to warn other motorists, and arrested for "obstructing a police officer in the performance of his duties" by erecting a sign saying "Speed Trap Ahead." Both of these cases were dismissed or overturned by a higher court.

The classic warning of one truck driver to another was by flashing the truck's lights to indicate a radar trap ahead. This practice has been largely abandoned with the development and widespread use of CB radio. By warning other drivers about a radar trap, you do stand a very slight chance of being arrested by some overzealous trooper, but your case would probably be dismissed in court.

Some law enforcement agencies publicize the intended locations of radar units. They have gone so far

as to publish the dates and locations of radar use in the newspapers to put all the residents on notice. Their philosophy is that the purpose of the radar unit is to improve traffic safety by slowing down the speeds at which vehicles travel in areas where a large number of accidents take place. They seem to feel that they can accomplish this purpose better by warning motorists than by surprising them with a citation.

DO THEY WORK RADAR IN TEAMS?

In the days of radar's infancy, radar was worked almost exclusively in teams. This was due to the limited mobility of the oversized radar units. This is still continued today, despite the low-cost and availability of versatile, modern radar units. Often these take the form of one or more motorcycle officers teamed with an officer in a radar equipped patrol car, or a two car team with the "chase" car positioned down the highway to flag over violators clocked by the radar unit. This has a real shortcoming in that the chase officer doesn't actually observe the radar violation, and by the time he stops the violator the original reading may have been cleared from the unit to allow the operator to clock another vehicle.

Today, radar teams are still found occasionally. One popular team is composed of one officer working speed and the other working drinking drivers. If a speeding motorist is drunk, the one officer handles the arrest, if only a citation is to be issued, the other officer handles it. Another common team is made up of two radar equipped patrol cars. Motorists often speed up immediately after passing a radar car, and may end up

speeding directly into the radar beam of a second unit. Two officers can play leapfrog like this all day, each serving as a decoy for the other on every other ticket.

ARE THERE ANY LEGAL RESTRICTIONS ON WHERE RADAR CAN BE USED?

Yes, but radar restrictions vary widely from state to state and even between cities within the same state. Some areas require that a sign notifying motorists of the use of radar be posted in all areas where radar is to be used. If the signs are not posted in accordance with the law which requires them, the evidence obtained by the radar unit will not be allowed into your trial.

In California and several other states whose vehicle codes are modeled after California, evidence obtained by a radar unit is inadmissible in court if it was obtained through the use of a "speed trap." A speed trap is defined in the code as any section of highway with a posted speed limit (other than the state maximum) which has not been justified by a traffic engineering survey within five years before the citation was issued.

WHAT'S A TRAFFIC ENGINEERING SURVEY?

The traffic engineering survey is a survey to examine highway and traffic conditions in order to establish proper speeds in an area. This survey includes a measurement of the prevailing speeds that motorists are actually traveling at, a check on accident records for the area, and an examination of highway and roadside



Traffic engineers use radar to determine the safe speed in a traffic engineering survey.

conditions and potential hazards which may not be readily apparent to the driver.

Some of the conditions the traffic engineer must examine are the incline angles of curves, visibility and sight distances, the volume and movement of pedestrians, the proximity to schools, parks and the like, and the number and density of homes and businesses by the roadside.

The traffic engineer then takes a random sampling of the speeds of 100 or more cars. From this sampling he establishes the "critical speed" and the "pace." The critical speed is the speed at which 85% of the traffic is traveling, or below. If the critical speed for a section of roadway was 45 MPH, only 15% of the vehicles were

traveling faster than 45 MPH, with the remainder right at 45 or less. This 85th percentile speed is taken as the speed nearest to the most safe and reasonable limit. For practical purposes, the 5 MPH increment at or immediately below the 85th percentile is the limit selected as a reasonable and enforceable speed limit.

The pace is the 10 MPH range of speeds at which the most motorists are traveling. The upper limit of this range is usually within 2 MPH of the 85th percentile speed. Usually, 70% of all speeds fall within the 10 MPH pace limits, and represent the average speed on the roadway.

To be kept current, these traffic engineering surveys should be taken at least every five years, or whenever conditions in an area change significantly from the time the survey was taken. The survey area should also be re-checked after a new speed limit has been posted in order to verify its appropriateness, relative effectiveness and general acceptance by motorists.

Of course, the requirements for a traffic engineering survey to establish the speed limit do not apply to roadways posted at the state maximum limit of 55 MPH.

IS THERE ANY WAY I CAN SPOT THE RADAR BEFORE THEY SPOT ME?

Yes, there are a few ways to spot the radar unit , some of the ways being more efficient than others. Probably the worst of all methods is the visual identification. You might spot that ominous antenna on the side window, or pick up on the flickering orange glow of the readout at night, but unless there's another



vehicle between you and the radar unit you'd better reach for your license.

Sometimes good Samaritans in the opposite lanes may flash their lights in warning, or wave and shout at you. It's best not to assume that this is a friendly native custom; they may be trying to tell you something. Watch the brakelights of cars ahead of you as they go into curves or over hills. If they start flashing, it's a good indication that something unpleasant is waiting for you on the other side.

Watch for signs by the side of the road as well. Many an officer working radar has suddenly found all the traffic flowing right at the speed limit, and then discovered a hastily constructed warning sign saying "Radar Trap Ahead" half a mile upstream. If you see a sign like this, believe it.

The best ways of spotting radar are the electronic means. CB radio is almost invaluable for this, with motorists continually reporting the location of radar units. The one minor drawback to this system is that the police are often equipped with CBs also, and use it to their advantage. One man with a radar unit and a CB can generate enough "smokey reports" to make himself appear like ten radar units.

The most efficient way of all to spot police radar is through the use of a radar detector. This little device will often tip you off well in advance of the radar being able to spot your car.

WHAT DO I DO WHEN I SPOT A RADAR UNIT?

When you spot a radar unit, the only thing to do is to

Using tricks like reading the radar in the side mirror make spotting a radar unit impossible without a radar detector.

slow down to the posted speed limit as quickly and safely as possible. With the speed and accuracy of modern radar, it may not do any good, but at least you won't lay awake nights wondering, "Maybe I should have slowed down?" If there's another car between you and the radar unit, you're probably safe. However, if you're way over the speed limit and you're the number one lead car, you might as well pull over behind the patrol car and hand him your license.

Most people react incorrectly to spotting a radar unit, and their actions are a dead giveaway to the alert officer. Hitting your brakes too hard is really obvious; as well as hearing the drop in the Doppler tone (if the radar unit is equipped with an audible tone) the officer can't help but notice if you lock up the tires and skid. Use of the emergency brake is as obvious as slamming on your regular brakes. Using the emergency brake may also cause uncontrollable skidding which is the last thing you want. Some people get on the brakes and then stay on them, right on past the officer and over the horizon in an attempt to fool the officer into thinking the car just has bright taillamps. This doesn't fool anybody and is just hell on your brakes. Others stay on the brakes until the moment they are alongside the officer, then release them and try to act innocent.

Some motorists go by with a silly grin and a wave, others extend an unfriendly middle finger. Neither is too effective.

Sometimes the occupants of a vehicle will change places with the driver just after they pass a radar unit, pulling an unlicensed or drinking driver from behind the wheel, hoping that the officer won't notice. Usually the front seat gymnastics are what attracts the offi-

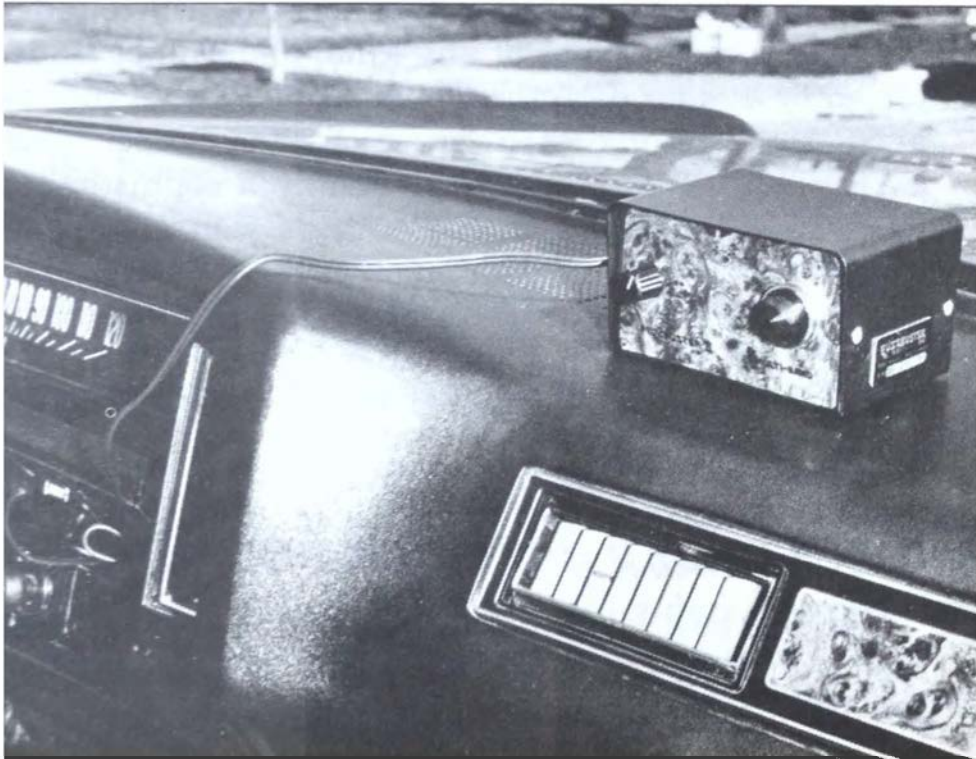
cer's attention in the first place, and he has no problem at all following the exchange of places and picking the true driver after a short session of "Twenty Questions" with the occupants.

WHAT'S A RADAR DETECTOR?

A radar detector is the general term given to any of a number of electronic devices designed to warn motorists of radar traps. It is simply a radio receiver which is tuned to pick up the frequencies used by police radar. When the unit receives such a signal, it alerts the motorists by means of a buzzer or light.

The first radar detectors appeared shortly after the

Radar detectors are easy to use, simple to install and highly effective.



first radar surfaced on the highways. These were compact little battery-powered receivers which generally were clipped to the visor of the car. Although largely ineffective against modern radar (totally ineffective against K-band), many of these units are still in use today.

Over a million radar detectors have been sold in the United States in the last three years, as the battle of the microwaves escalates. Every advance that radar manufacturers make is eventually matched by advances in detector design, and detectors continue to be the most efficient method of spotting police radar.

WILL A RADAR DETECTOR SPOT VASCAR?

No, the true VASCAR system does not utilize radar or radio transmissions of any kind, and cannot be detected by a radar detector. There are persistent rumors about the awesome capabilities of some "Super VASCAR," but all such units are simply a sophisticated stopwatch depending on the officer's visual observations for its input information on your speed. Even the new moving radars which incorporate a function similar to VASCAR do not use radar in the "stopwatch" mode and cannot be detected when operated in that mode.

CAN A RADAR DETECTOR HELP ME?

Yes, but how much it will help you depends on the type of driving you do and the nature of the areas you are driving in. If you're a professional driver or sales-

man spending most of your time on the road, a radar detector is an absolute must. The more exposure you have to police radar, the more likely you are to benefit from a radar detector.

A radar detector is by no means a license to speed. It is intended to allow you to relax and enjoy your driving without suffering from "Ticket Tension." On the highway, especially on longer trips, it's very easy for one's speed to drift up 5 or 10 MPH. The radar detector will alert you to the presence of a radar unit ahead, and give you time to slow down to the legal limit. Of course, this is the entire purpose of operating the radar units, so your use of a detector is consistent with law enforcement's goal of slowing traffic.

ARE RADAR DETECTORS ILLEGAL?

No, a radar detector is nothing more than a radio receiver operating at frequencies above UHF television. As a radio receiver, it comes under the scope of the Federal Communications Act of 1934 which guarantees the rights of all citizens to free radio communications. Radio Free Europe and the Voice of America are examples of the philosophy and intent of the act.

All police and most public agencies are licensed to operate radio equipment by the federal government. Their rights in the area of the use and control of radio communications are limited solely to the terms and conditions of their license. The Act is very specific on this point; providing a one year jail term and a \$10,000 fine for any licensee who willfully damages or interferes with another person's radio equipment.

No state has the right to search your car for a radar

detector, to confiscate or destroy your detector, or even to fine you for possession of a radar detector. These actions would constitute a felony under federal statutes, as well as violating your constitutional rights concerning freedom of communication, unreasonable search and seizure, due process of law, confiscation of property and cruel and unusual punishment. Not even the F.C.C. can take away your radar detector, because the congressional intent of the Communications Act of 1934 was to give you the right to receive any electromagnetic signal, even if it came from a police radar unit. Unless fundamental, major changes are made to the Act, there never can be a valid law against radar detectors.

There were several laws passed prior to the Communications Act which banned the use of police frequency radio receivers in vehicles. Most of these laws were repealed or removed from the books, but a handful were not. These were criminal laws (not a part of the Vehicle Code) which were designed to prevent bank robbers and the like from monitoring police activities. When the use of radar detectors became prevalent, local police officials in Michigan, Kentucky and New York dredged up these old laws and attempted to apply them to the radar detectors. Their actions were so obvious that the lower courts in their own states overturned the laws themselves.

Virginia is the only state which ever enacted and attempted to enforce a law specifically aimed at the prohibition of radar detectors. Convictions under this law were voided by their Supreme Court in June of 1978, but the exact status of the law is still unclear at this time. Most knowledgeable observers feel that the

law is a dead issue since the police would be required to prove that the radar detector was being used at the time *and* would have to prove that it was being used for an unlawful purpose. Proving these two elements of the violation is virtually impossible in a legitimate court.

Since police officials do not always adhere to the law, it is possible that you may still receive a citation of some sort. Any attempt by the officer to seize your radar detector should be peaceably and courteously resisted, by locking your car and walking away from it. To seize the unit, the officer must now arrest you and secure a warrant (which you should honor). Ask him to read you your rights to make it official. At the very least, you will now have a civil rights case on record. Never permit him to take the unit and steal away into the night. The chances are very good that you won't ever see him or the unit again . . . even in court.

The handling of cases involving citations or confiscations for the use of a radar detector are really beyond the scope of this book. If you have such an encounter, send a concise written narrative to the following address. They can usually provide legal guidance and whatever briefs may be required:

ELECTROLERT INC.
Legal Affairs Section
4949 South 25 A
Troy, Ohio 45373

CAN THE USE OF A RADAR DETECTOR HURT ME IN COURT?

It's very unlikely that the use of a radar detector would hurt your case. It's possible that you may be hassled more by an officer who spots your radar detector, particularly if your reactions were a little slow and you earned yourself a ticket. We know of several cases in which the radar detector actually helped a motorist win his case.

In one case, the motorist was able to show that his properly working radar detector (he had witnesses in the car with him) did not respond to the officer's radar unit and therefore the radar had not been actually operating. The case was immediately dismissed.

In a second case, a motorist's radar detector alerted him and the two other occupants of his car to a radar unit ahead. At the time they were in a 45 MPH zone. All of them carefully watched the speedometer, and they stayed just under the limit. The limit changed to 25 MPH and they reduced their speed accordingly. A few hundred feet down the road the motorist was stopped and cited for doing 44 MPH in a 25 MPH zone. Because his radar detector had alerted him to the radar, the motorist was able to show that he was aware of the radar ahead and had stayed right at the speed limit. This case was also immediately dismissed.

HOW DO THE POLICE FEEL ABOUT RADAR DETECTORS?

Frankly, most law enforcement agencies are against the use of radar detectors, with some agencies openly hostile about them. Radar detectors reduce the number

of speeding tickets written by an agency, thus eliminating one of the most visible measurements of the efficiency of that agency. They seem to feel that there is something unfair about a motorist being warned that he is about to roll into a radar trap.

It's very frustrating and unnerving for the lone hunter to look back down the trail and suddenly find that he is the one being stalked by the game.

Some agencies have publicly swallowed the bitter pill and come out in favor of using radar detectors as part of an overall traffic safety program within the state. One experiment in Washington was based on the use of solar powered radar decoy units which broadcast continuously over a range of approximately two miles. These units were placed on sections of highway where a large number of accidents had occurred, and ensured that traffic was within the posted speed limits by triggering radar detectors within the broadcast range. Such unmanned "drone" units have since been outlawed by the .F.C.C.

CAN THE OFFICER TAKE AWAY MY RADAR DETECTOR?

According to U.S.C. Title 47 of the federal laws dealing with communications, the individual states do not have the power to confiscate or ban any radio receiver. Of course, the fact that federal law protects your use of a radar detector won't necessarily prevent him from doing so, and you may have to go to court to get your detector back. If the officer does take your detector, or piece of your property, insist that he give you a proper receipt with a full description of the unit, including the

serial number. This is the only way that you can be sure to get your own property back again.

SHOULD I DISGUISE MY RADAR DETECTOR?

We don't advise that you attempt to hide your radar detector. There is nothing illegal about the possession and use of the unit, so there should be no reason to hide it. It has as valid a place in your car as your AM radio.

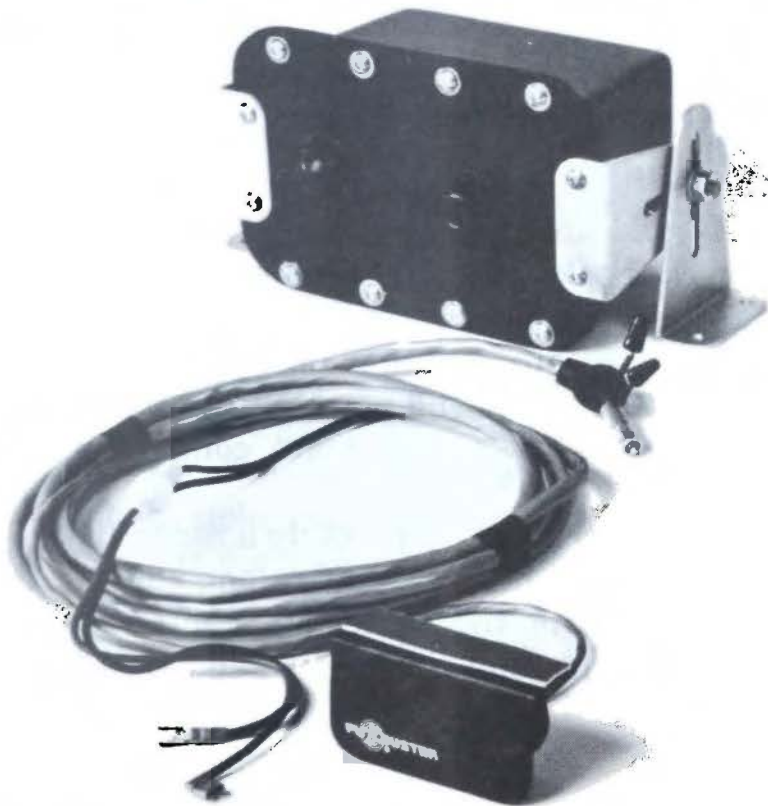
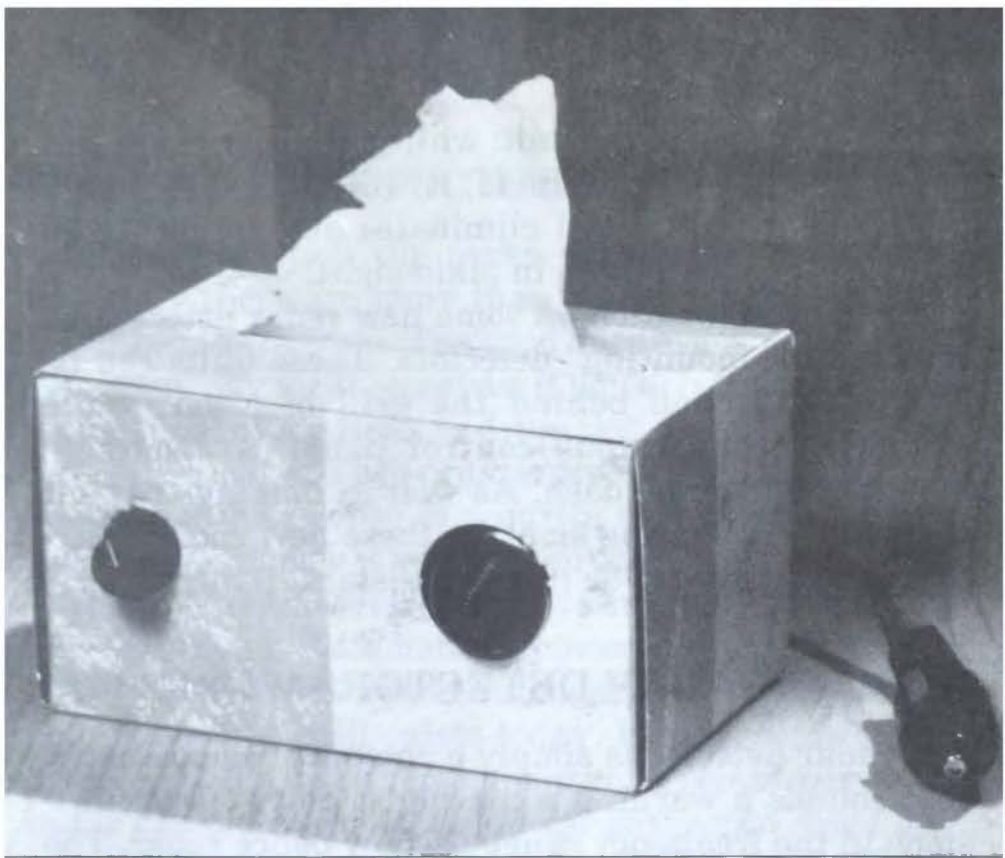
During the height of the radar detector abatement programs in Virginia and other states, cardboard replicas of radar detectors and Kleenex box disguises complete with tissues coming out the top were very popular and widely distributed. However, many officers automatically assume that anything you are trying to hide must be illegal, any attempt at deception will only rouse their curiosity and anger. This is evidenced by the fact that on at least two separate occasions, truckers were arrested and fined in the state of Virginia for possession of cardboard boxes resembling radar detectors. Both of these cases were eventually dismissed in court.

If you feel more comfortable with your radar detector disguised, go ahead and do it, it probably won't hurt. Perhaps a better alternative would be to use a radar detector with a detachable mount, so the unit could be easily removed.

CAN I HIDE MY DETECTOR?

It is next to impossible to hide a regular radar detector. The location of the radar detector is crucial to the

The tissue box was a popular disguise for radar detectors until the development of remote units that could be mounted under the hood.



proper operation of the unit: while the radar beam will pass through the windshield, it will not pass through metal. That pretty well eliminates any mounting locations other than those in plain sight.

A recent innovation on some new radar detectors is the "remote mounting" detectors. These units can be effectively hidden behind the grill of a car, while a small, inconspicuous control panel is discretely mounted under the dash. As well as making the unit invisible to a passing smoke, these new radar detectors should prove to be highly resistant to theft.

HOW DO RADAR DETECTORS WORK?

A radar detector is simply a compact radio receiver that sounds a warning whenever it detects transmissions in the frequency range used by police radar. The warning is usually in the form of an audible tone, or buzzer, and usually a light to indicate that the unit is in operation. Most are equipped with a "squench" knob that allows you to adjust the sensitivity of the unit.

All the units have an antenna (some may have two, one for X-band and one for K-band) which is usually located in the back of the unit. One model has a remote antenna which can be located elsewhere on the car. The units are usually mounted on the car's dashboard or clipped to the visor, and powered through the car's cigarette lighter or by separate connections to a "hot" wire.

When the radar detector picks up a radar signal, the relays click and the buzzer sounds along with the light. On the better units, the buzzer stops after a few seconds, but the light remains lit until you are out of the radar beam.

ARE RADAR DETECTORS ANY GOOD?

That depends on the make and model of detector. Presently there are more than 20 models of radar detectors on the market. The good ones are very good and can easily pay for themselves if you drive fast, or drive a great deal of the time, or drive fast a great deal of the time. The bad ones are counterproductive, and can lull you into a false sense of security that can cost you a good deal of money if you get burned.

The first radar detectors that came out on the market were cheap little battery powered units that were largely ineffective. These units gave radar detectors a bad image that still exists today. Indeed, some of the detectors today aren't much better. A recent survey of radar detectors in a national car magazine rated one widely sold unit as "Strictly a placebo," and another as "Smokey's little helper."

On the other hand, the good units are truly excellent, detecting radar with accuracy and a minimum of false alarms and tipping off the motorist well enough in advance to give plenty of time to slow down.

CAN THEY JAM MY RADAR DETECTOR?

There's probably been more than one officer who has told a motorist he was going to jam their radar detector, but because of the size and shape of the units there are limited physiological possibilities.

However, it is possible to electronically jam a radar detector. Jamming does not mask a true radar signal from the unit, but only triggers the unit with a false signal. This is done with conventional radar units in a number of ways.

We've already mentioned the use of solar-powered decoy units placed in strategic locations along highways to slow traffic in areas where there are a large number of accidents. These may also be used in other areas, solely to aggravate radar detector users. A motorist whose radar detector is continuously triggered by a decoy may eventually ignore the warning and fall directly into a real radar trap.

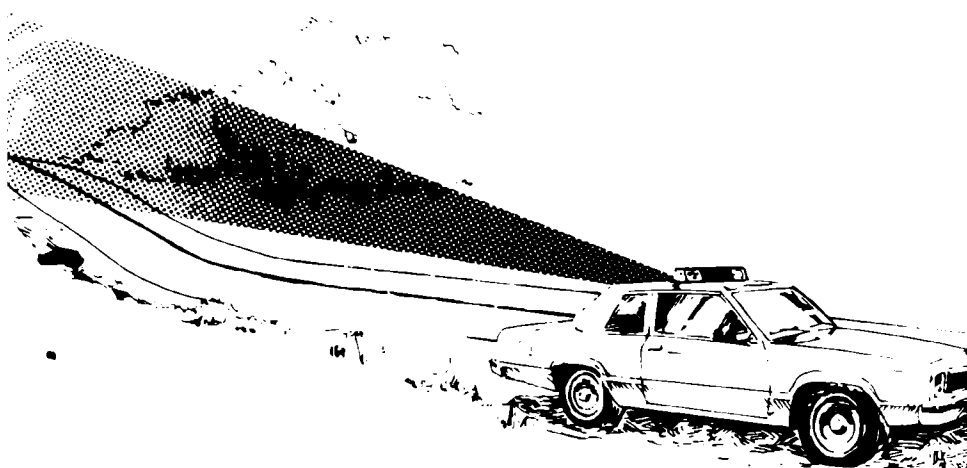
The officer working either a stationary or moving radar unit may simply leave his unit "on" wherever he goes. Thus he can effectively "jam" any detectors within range, even though he may not be on the prowl for speeders.

Some departments have made use of their old radar equipment for jamming detectors. The outmoded equipment is set up on supervisory cars and even trucks, broadcasting continuously and jamming every detector they encounter. Some agencies have even mounted their old radar units on aircraft, effectively jamming detectors on all roads they fly over.

WHAT'S THE EFFECTIVE RANGE OF A RADAR DETECTOR?

Once again, this depends on how good the unit is. The average radar unit transmits a signal of about one-tenth of a watt. The average radar detector will identify a signal of one millionth of a watt. Of course, not all of the radar signal is directed at the detector, and the sensitivity of the detector varies with the squelch setting.

Under ideal conditions, the range of the better radar detectors is over three miles, almost ten times the



The limitation of Radar Range

normal working range of police radar. While the radar unit works on a line-of-sight principle, and can't "see" around corners or over hills, a good detector is capable of picking up the scattered signal reflecting off the roadway, bridges and other vehicles ahead of you. Any conditions which tend to limit the range of the radar detector will tend to effect the radar unit even more severely; so the effective range of your detector is almost always greater than the range of the radar unit.

HOW MUCH WARNING WILL MY RADAR DETECTOR GIVE ME?

When dealing with radar units equipped with a "hold" or "detector defeat" mode which control the radar broadcast, or when dealing with trigger acti-

vated radar-guns, you may have no warning at all. Your detector will light up just in time to say "Surprise! You're busted!" Your only hope with these types of units is that the officer will clock another motorist ahead of you and his beam will trigger your detector when he does.

Moving radar can also result in a really minimal warning. If the patrol car is cruising at 55 MPH while you're doing 70 MPH, you're approaching a ticket at over 125 MPH and your reactions have to be pretty sharp to avoid being clocked.

Stationary radar gives you the best warning of all, and should give you enough time to slow down to a legal speed.

CAN RADAR DETECTORS PICK UP ALL RADAR FREQUENCIES?

No, many of the radar detectors still being marketed will only receive X-band radars. Others are capable of detecting both X and K-band, but are insensitive to radar which has been "tweaked" out of normal operating frequencies and may be broadcasting somewhere in-between.

The best choice is a radar detector which scans across all of the frequencies. One such unit continuously sweeps from 9.4 Gigahertz to 25.0 Gigahertz. None of the units on the market today will pick up the old S-band radar, but few of these cumbersome police radar units are still in use today.

ARE THERE ANY "DETECTOR PROOF" RADARS?

No, any radar transmission within the authorized police spectrum can be detected by modern radar detectors. However, no detector is capable of detecting a radar unit which isn't broadcasting. So-called "Detector Proof" radars are simply equipped with an on-and-off switch on the antenna which allows the operator to broadcast only when he has a target in sight. Many officers find this mode to be cumbersome and awkward to use, particularly with the relatively small percentage of radar detector equipped vehicles on the highway today. About the only time this mode is used, is when the officer is specifically hunting truckers, who are almost always equipped with detectors.

The original detector proof radar is the old "Pie Pan" trick. The officer simply holds a tin plate in front of the antenna of any radar unit, blocking the radar transmission until the target is in sight. Of course, once the officer allows the unit to broadcast, the cat is out of the bag for any radar detector equipped vehicles following the lead target.

DO RADAR DETECTORS GIVE FALSE ALARMS?

Yes, false alarms are common. False triggering can be caused by airport radar, telephone microwave links, military radar, nearby CB units, TV transmitters and more than 25 other users of the same frequency spectrum.

The ability to reject these signals while retaining its

sensitivity to police radar is one of the most important factors to consider when selecting a radar detector. Detectors with metal cases provide more shielding for the unit than those with plastic cases, and most units are equipped with filters of some kind either within the unit itself or at the power connection into the cigarette lighter. With the wide spectrum of microwave frequencies a unit may be sweeping, false alarms are virtually impossible to eliminate.

HOW MANY TYPES OF RADAR DETECTORS ARE THERE?

There are literally dozens of different models of radar detectors on the market today, manufactured by many different companies. Some of these manufacturers have been in business for many years and are well-established, reputable firms. Others are fly-by-night operations which will be formed and will disappear again before this book is published. The models range from truly creative, original designs to blatant copies of other manufacturer's products, but all of the units fall into one of three basic types.

The most common type of radar detector today is the single channel detector which operates on one pre-set frequency, ignoring all other signals. The first radar detectors to appear on the market were single channel units set to receive on the S-band, while today X-band units have become the most popular.

With the recent introduction of K-band radar, the detector manufacturers responded to the challenge and began producing dual channel units capable of receiving both X and K-band radar. These units are also

referred to as "stereodyne" or "heterodyne" and often use two separate antennas for the two frequencies. Many of these units are excellent, but poorly designed ones may offer superior detection on one of the frequencies while being totally inadequate on the other. The major drawback with any single or dual channel unit is its insensitivity to radar units that may be operating slightly off frequency.

This drawback, compounded by the radar technician's occasional "tweaking" of the radar units, led to the development of the scanning type detector. These units rapidly scan back and forth across the limits of the entire authorized radar spectrum, thus picking up any radar operating on or near the normal broadcast frequencies. The scanning detectors are undoubtedly the most sophisticated of the radar detectors, but may give a higher number of false alarms by picking up non-radar transmissions on the frequencies it scans in-between the normal police operating bands.

ARE THEY ALL ALIKE?

No, there's a world of difference between the effectiveness, efficiency, esthetics and prices of the different radar detectors on the market.

Some detectors are very sensitive to radar transmission, but don't notify the driver because the lamp is washed out by the sun or the buzzer simply isn't loud enough. Other units can make you jump right out of your seat when they are triggered, but are so insensitive they may not give you a chance to slow down.

The esthetics of the unit vary widely, and usually have little or no relation to the quality of the elec-

tronics inside. Today's units range in appearance from black boxes with a wrinkle finish, to Flash Gordon like structures of chrome with Lucite rods, and may even incorporate panels of imitation walnut-burl. Some of the worst-looking units may be a far more effective detector than a beautifully packaged unit that doesn't work worth a damn.

When selecting a radar detector, get all of the information you can about the unit. Talk to your detector-equipped friends and some professional drivers; salesmen and truck drivers who are using detectors on a regular basis. Find out which units they are using, and what they like or dislike about the unit you are thinking about buying. The radar detector represents a substantial investment; and the wrong choice may cost you your license.

A radar detector can be bought today for as low as \$35 or as high as \$175. Single channel detectors are relatively inexpensive, while the dual channel and scanning models are at the upper end of the scale. The price will also vary with where you purchase the unit; it pays to shop around.

WHERE CAN I BUY ONE?

Radar detectors are carried by most automotive parts and equipment stores, as well as electronics stores specializing in C.B. radios and the like, and in some major department stores. Most detectors are also offered directly from the manufacturer, and advertised in the automotive oriented magazines. There are also a number of mail-order and catalogue houses which are distributing detectors. Sometimes the ads are ambigu-

ous about the exact brand being offered, so be certain that the unit is truly the model that you have researched and decided on before ordering the unit.

Buying a used radar detector from a "buddy" may not be a good investment at all. He may already be doing 5 to Life for speeding. If he's really satisfied with his unit, you couldn't buy it from him under any conditions. If someone is unloading a radar detector at a bargain price, there's probably a reason for it.

WHAT'S THE BEST RADAR DETECTOR I CAN BUY?

That would be almost impossible to say, because the technology is changing so rapidly in the field of radar

In overall effectiveness, the best radar detector available today.



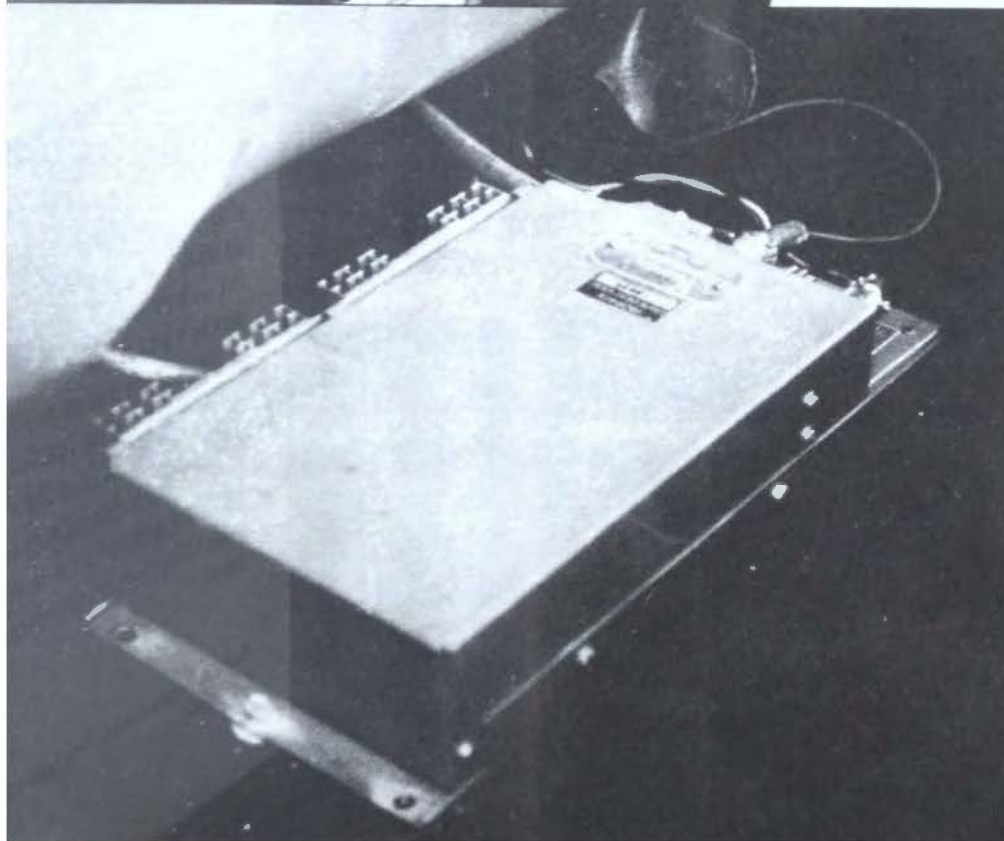
and radar detection. We've done a tremendous amount of research and picked one unit we feel is consistently outstanding in its effectiveness and quality. It was a difficult choice, as there are a number of good units and new ones are being introduced on an almost daily basis, but we've selected one which we feel is definitely one of the best. That unit is the Fuzzbuster II® manufactured by Electrolert Inc., of Troy, Ohio.

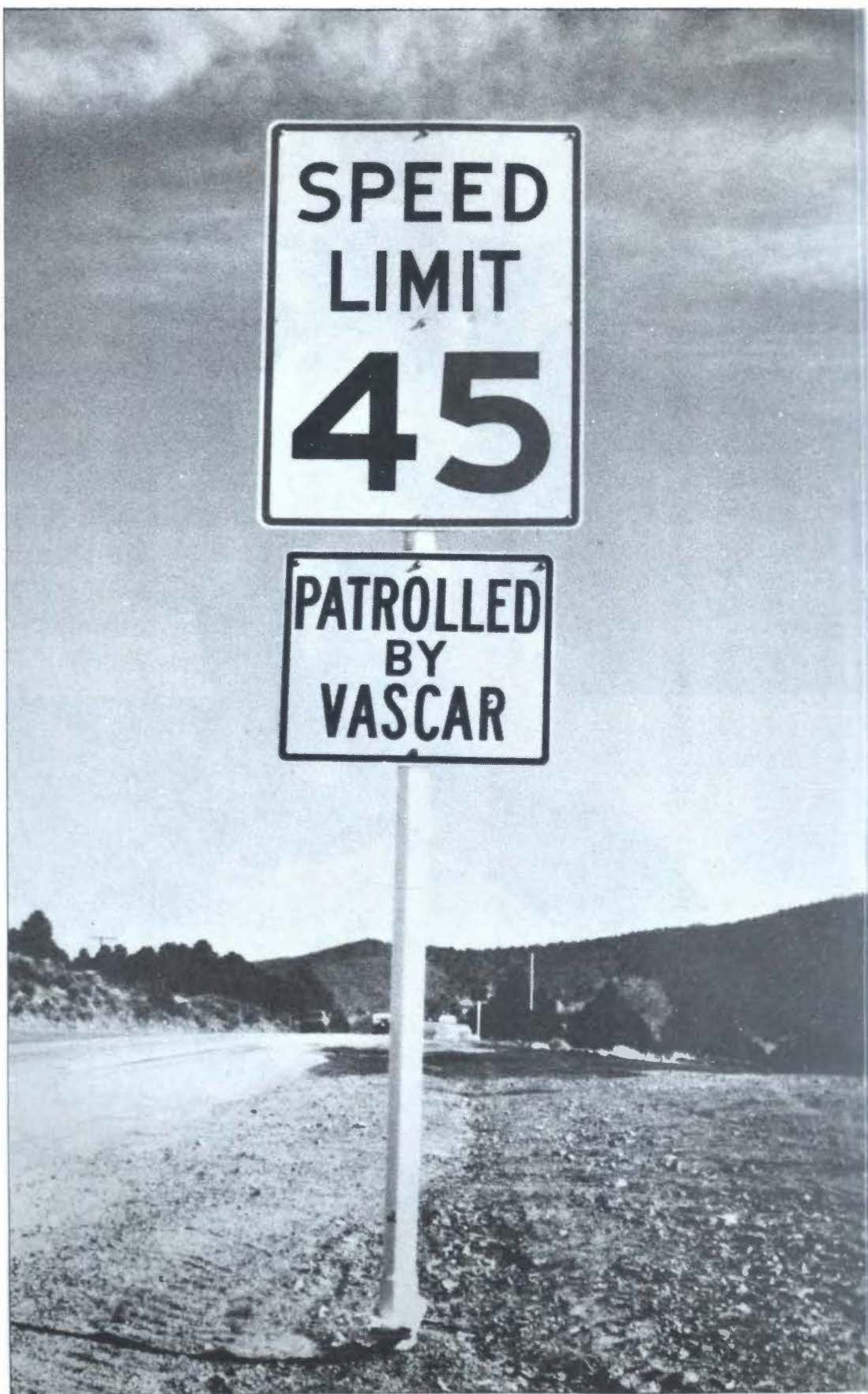
The Fuzzbuster II® is a scanning detector that sweeps the entire spectrum of police radar, and consistently demonstrates good sensitivity, offering plenty of warning. The unit is also unusual in that a kit is available that permits mounting behind the grill or under the bumper to help discourage theft. While this unit may be a little more expensive than some of its competitors, it is well worth the investment.

WHAT'S VASCAR?

The term "VASCAR" is an acronym (and a trade name for a particular manufacturer's unit) for the phrase "Visual Average Speed Computer And Recorder." VASCAR is merely a very simple time and distance computer. By having the officer measure the time it takes for your vehicle to travel a measured distance, and by feeding that information into the VASCAR unit, the computer determines just how fast you had to be going to cover that distance in the amount of time you did. VASCAR is not a radar device, and depends entirely on the officer observing your vehicle and entering the information into the unit. It amounts to nothing more than a very sophisticated stopwatch.

The VASCAR unit consists of two parts, a control head and a floor mounted computer.





IS VASCAR USED IN EVERY STATE?

No, but it is being used in over 26 states today. There are some states in which VASCAR cannot be used under the existing laws. Typical of these states is California, in which the evidence obtained through the use or maintenance of a "Speed Trap" cannot be used against you in court. One of the definitions of a Speed Trap as defined in the vehicle code is, "A particular section of highway measured as to distance . . . in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance." Because VASCAR works on the principle of measuring a vehicle's speed over a measured distance, it simply cannot be used in any state with a law such as California's.

Even in those states where VASCAR is used, it may not be in service with every law enforcement agency within that state. VASCAR is used by state police and highway patrols far more than by municipal police, because it is much more effective at highway distances, visibilities and speeds than in the city. Also, some local county or city ordinances may forbid the use of VASCAR.

HOW DOES VASCAR WORK?

The computation of speed by the VASCAR unit is simply a matter of dividing distance by time. The operator has two switches on the unit, one marked "Time" and the other marked "Distance." The distance used in computing your speed is measured by the patrol car through the speedometer cable, and may be

Every patrol car in this state is equipped with both VASCAR and radar, but they only warn you about the VASCAR.



measured at any time before or after the violator is clocked.

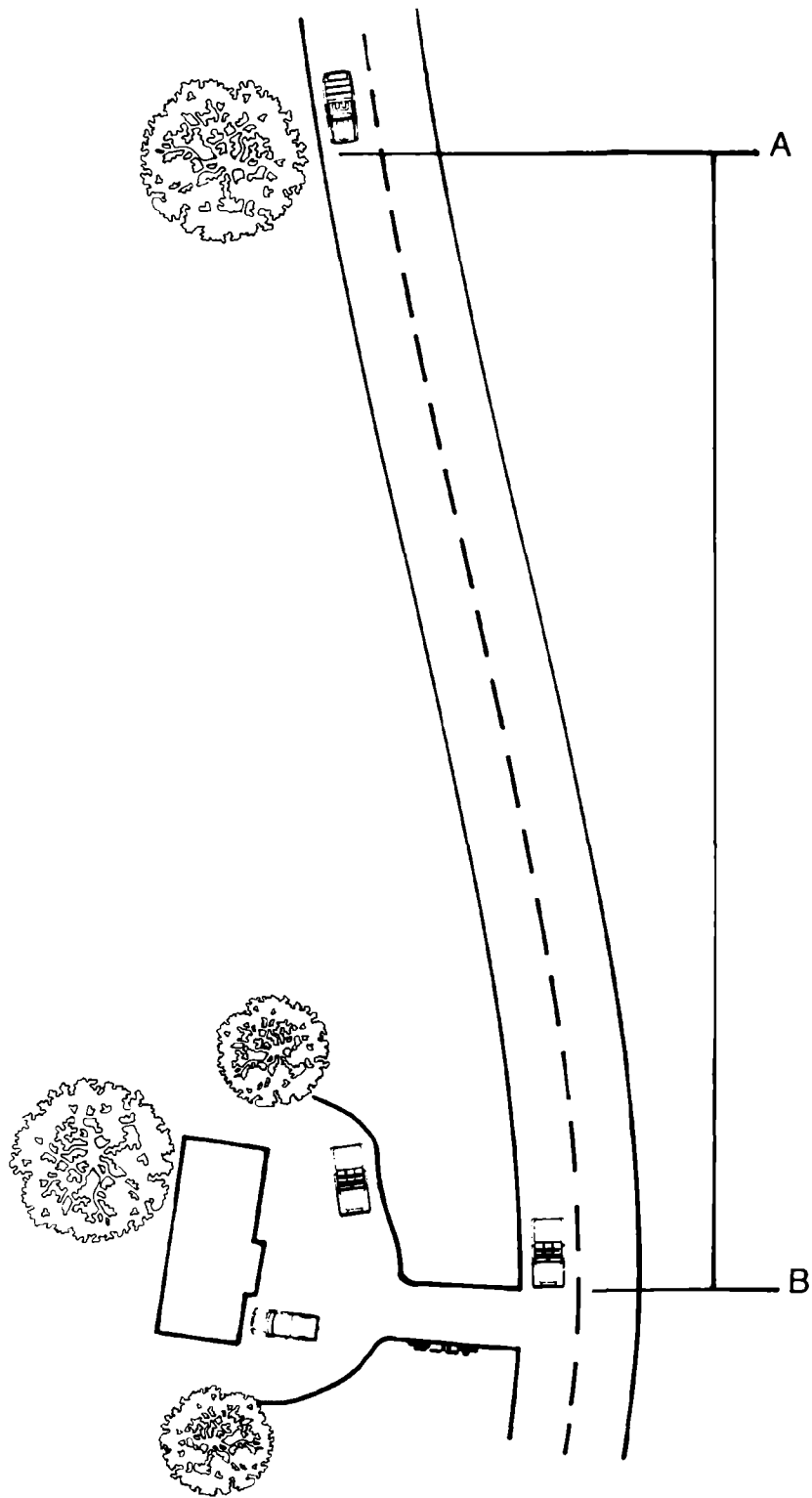
In clocking a violator which the officer is following on the highway, the officer flips on the Time switch as the speeder passes a selected point, such as a signpost, bridge abutment, painted line or crack in the asphalt, and flips the switch off when the speeder passes a second selected point. When the patrol car hits the first mark, the officer turns on the Distance switch, and switches it off as he crosses the second point.

The computer then calculates the average speed of the violator to the nearest tenth of a mile per hour, and displays it on numitron tubes in the control module. The reading remains there as "evidence," until the reset button is used to clear the computer for the next reading.

The VASCAR operator doesn't have to be following the speeder, he doesn't even have to be moving. It is a relatively simple matter to clock violators behind the patrol car by observing in the mirror when they pass over the appropriate distance landmarks. Also, the officer may drive across the two selected points, storing the information in his VASCAR computer and then hide well off the highway to clock speeders as they pass over the same points. If the officer stops alongside the highway, the patrol car itself can be used as the second distance point and he can clock your vehicle at precisely the moment you pass his location.

Anytime you spot a patrol car, particularly one parked by the roadside a short distance beyond a major landmark such as a bridge or a sign, you should immediately check your speed and hit the brakes. If he is using VASCAR on a pre-measured section of highway

VASCAR's controls are simple to operate. A typical VASCAR trap, with the patrol car a short distance beyond an easily seen landmark.



The Principle of VASCAR

Here's how VASCAR works:

1. *The patrol car reaches landmark "A," a roadside tree. The officer then switches "On" the Distance Switch and the VASCAR unit begins measuring the distance through the odometer cable.*
2. *The patrol car reaches landmark "B," the side road, and the officer turns the Distance Switch to "Off." This now locks the distance the patrol car traveled into the VASCAR computer.*
3. *The officer may either park his patrol car at the side of the road, and use the car itself as landmark "B," or pull off the highway to a location in which he can observe both landmarks.*
4. *The target vehicle passes landmark "A" and the officer turns the Time Switch to "On." The VASCAR unit begins timing the target.*
5. *The target vehicle passes landmark "B" and the officer turns the Time Switch to "Off." The VASCAR unit then has the time the target took to travel an already known distance, and computes and displays the speed of the target in miles-per-hour.*

which you enter at 70 MPH, but you slow to 40 MPH or less before you hit the end point, you may be able to lower your average speed through the two points to an acceptable and safe 55 MPH. Your reactions have to be fast, though, because VASCAR can use two reference points as little as one tenth of a mile apart.

Remember that the VASCAR unit at one time or another has to actually roll over the same section of highway as your car in order for the unit to get an accurate measurement of the distance through the patrol car's speedometer cable. The officer cannot estimate the distance visually and input that distance into the computer.

VASCAR's main fault lies in the fact that it depends entirely on the officer's observations and his input to the computer to determine your speed.

DOES VASCAR HAVE TO BE CALIBRATED?

Yes, VASCAR is calibrated daily by the officers in most agencies, and in the agency's shop at regular intervals determined by them. This calibration is necessary because the tire size and tread wear on the patrol car may change, and all of these may have an effect on the input through the speedometer cable. The VASCAR unit is adjusted through the use of a small, recessed screw setting located on the front panel of the unit.

The officer's daily calibration is conducted by simply clocking the patrol car itself over a selected distance, and comparing the VASCAR's reading to the certified speedometer.

The agency's periodic calibration may incorporate the use of a dynamometer in the shops, or the use of a radar unit to compare against the VASCAR's reading.

HOW MUCH DOES A VASCAR UNIT COST?

A VASCAR unit costs about \$900 for the complete package. This is composed of the control head which is usually mounted on the dashboard or the transmission hump, the computer which is mounted on the floor of the patrol car underneath the seats, and an adapter which attaches to the patrol car's speedometer cable.

CAN I ASK THE OFFICER TO EXPLAIN HIS VASCAR TO ME?

Yes, and usually the officer will honor your request and may even demonstrate the unit to you. A brief but convincing explanation of VASCAR's operation is an important part of the officer's "selling" the ticket to you, making sure that you believe your were guilty of the offense so you won't try to challenge the validity of the speed estimate in court.

Although it may be part of a law enforcement agency's policy to have the officer explain their VASCAR to motorists, there is no legal requirement for him to do so.

DOES HE HAVE TO SHOW ME MY SPEED?

No, but he will probably show it to you if you ask him, or if you deny that you were speeding and question what he writes on the ticket. Showing you the

speed measured on the VASCAR unit can be another important part of selling you the ticket, but there is nothing which requires the officer to do so. Of course, his refusal to show you your speed on the VASCAR unit may raise doubts in court as to whether the officer actually clocked you at all.

DO THE COURTS ACCEPT A VASCAR READING ALONE AS EVIDENCE?

There are some courts which have a blanket acceptance of all VASCAR readings with no other substantiation of your speed. However, many courts are beginning to seriously question VASCAR evidence, and have begun to reject cases where the speed of the violator is based solely on a VASCAR reading.

CAN THE OFFICER CHEAT USING VASCAR?

Yes, a dishonest officer could use a VASCAR unit to obtain false readings. As with radar, you have to take the officer's integrity for granted, because if he does cheat while using VASCAR, you will probably never be aware of it. VASCAR depends on human input for computing speed. If that input is in error, the readout will be in error.

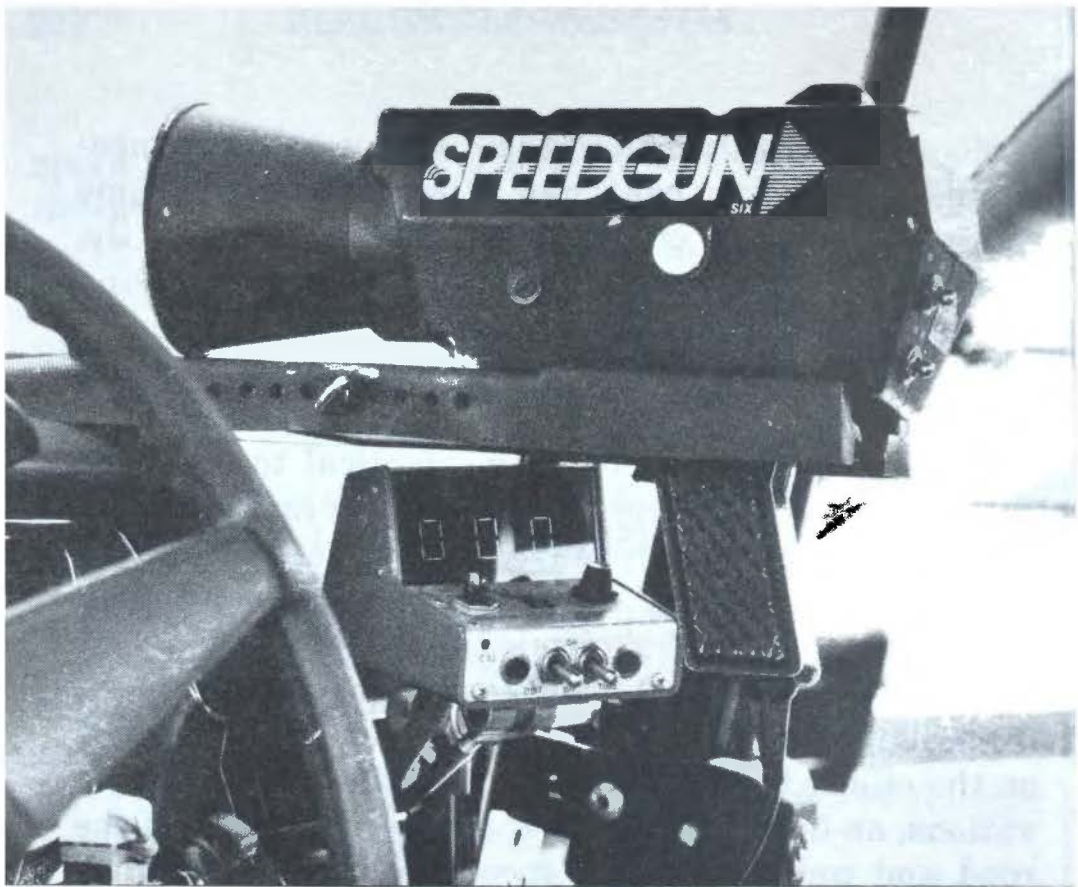
One way the unscrupulous officer might cheat, is by using the "Short Circuit." To do this, he simply closes the distance switch on his VASCAR unit a short distance *after* he actually passes the second point he uses as a reference point to clock your vehicle with. This means that you are traveling a shorter distance in the

same amount of time than the distance actually measured by the patrol car when it passed over the same route. A variation of the Short Circuit is when the officer is a little premature on the Time switch, giving you a much shorter time through the properly measured distance and indicating a much higher speed to the computer.

Another method of cheating, identical to one used with radar, is "Left-overs." To serve you up some Left-overs, the officer simply leaves in the speed of a previous violator without resetting the unit, and then claims that the speed shown is the one he clocked your vehicle with. The "Left-over" reading need not even be from another violator. Because the computer depends on the officer flipping the switches based on his observations, an unethical officer could sit by the side of the road and conjure up any speed he chose, simply by playing with the switches.

IS VASCAR AS ACCURATE AS RADAR?

Yes, VASCAR is capable of a high degree of accuracy when properly used. Most agencies using VASCAR require extensive training and testing of the officer's use of VASCAR, with separate certifications required for daytime and nighttime usage. The final exam for the officer consists of repeatedly clocking another police car under various conditions. The VASCAR student's readings are checked against a radar unit and the certified speedometer, and must be consistently accurate to within three tenths of a mile per hour to be qualified as a VASCAR operator.



A typical VASCAR moving radar combination can be easily operated simultaneously by one officer.

CAN THE OFFICER WORK WITH BOTH VASCAR AND RADAR AT THE SAME TIME?

It's not all that uncommon for a patrol car to be equipped with both systems, and for the two systems to be used at the same time. Typically, an agency which has been equipped with VASCAR in the past and is in the process of converting over to a moving radar system ends up with both units in the patrol car until the VASCAR units break down or are otherwise pulled out of service.

The officer works VASCAR on cars ahead and behind him in his own lane, while working the moving

radar on traffic in the opposite lanes. He doesn't have to pay much attention to the radar, as it usually has a tone to alert him to any speed in excess of the limit. An officer who consistently works VASCAR only has to look at the readout when he thinks he has a good violation. Tripping the appropriate switches becomes almost automatic.

A patrol car equipped with both VASCAR and radar can be devastating on the highway, by working traffic in two directions whether moving or stationary. Of course, this is often a case of overkill, as he can generally spot more violators than he could ever hope to catch.

WHAT ARE THE LATEST ADVANCES IN SPEED DETECTION TECHNOLOGY?

The latest advances on the highways today are pretty much limited to radar and VASCAR, and the different variations and combinations that have been developed by the radar manufacturers.

It's just about impossible to determine what may lay ahead in the future, but undoubtedly technological advances will occur and spin-offs from space and military programs will be incorporated into law enforcement traffic control. Work is already being done under military contracts which use lasers and other devices for tracking and determining velocities, and someday these electronic marvels may appear on the highway, strapped to the side of a patrol car to catch another "enemy," the speed violator.

LOOKING AT WHAT YOU GOT

An evaluation of your citation.



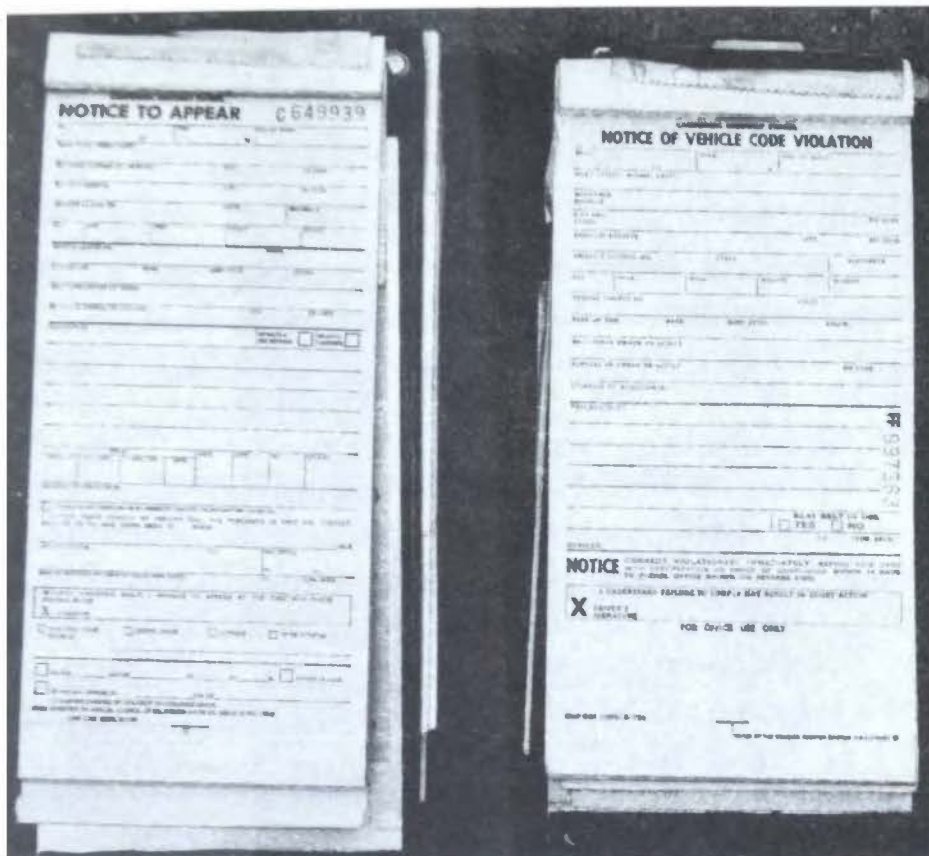
IS THIS A WARNING OR A TICKET?

Warnings often say in large letters, "Traffic Warning," right at the top of the form. There are several types of warnings, verbal warnings (sometimes referred to as 'Holler Stops') where the officer just chews you out or "hollers" at you for your actions; and written warnings which may be parking, equipment or moving violations. Parking and moving warnings usually require no action on your part, although some officers will tell you that receiving more than a given number will cause you to turn into a frog or tell you some other fairy tale to keep you on your best behavior.

Equipment warnings require you to have the violation corrected and certified within a given period of time, usually 15 days. This type of warning is nothing to laugh at, as it may result in an actual ticket if uncorrected. Equipment warnings often have a provision for mailing in the form after it has been corrected. Make sure whether the officer is writing you a ticket or a warning before you bad-mouth him; as many a warning has been ripped up and turned into a citation due to a bad attitude on the part of the motorist.

Some motorists will beg the officer, "Oh, p-l-e-a-s-e, can't you give me a warning?" At that point, some officers have been known to stop writing, stare the driver in the eye and say, "Every time I see you speed I'm going to give you a ticket," and then continue writing the citation. The motorist asked for a warning, but probably didn't expect that kind.

Officers have a quota on the number of warnings they issue similar to the ticket quota. If they issue too few warnings as compared to the number of citations, it is an indication that he's being too hard on drivers; if



The differences between a citation (left) and a warning (right) are subtle but important.

he issues too many, he's being too soft. The major difference between a warning and a ticket is that the ticket will require you to appear in court and the warning will not.

WILL THE WARNING APPEAR ON MY RECORD?

No, warnings are not reported to the Department of Motor Vehicles. However, the issuing agency will keep a copy of the warning in their records for future reference in criminal investigations. Unless you picked up your warning speeding away from the scene of a crime, you needn't worry about the other copy on file with the agency.

NOTICE TO APPEAR

No. Y018802

DATE	19	TIME	M	DAY OF WEEK
NAME (FIRST, MIDDLE, LAST)				

RESIDENCE ADDRESS	CITY
-------------------	------

BUSINESS ADDRESS	CITY
------------------	------

DRIVERS LICENSE NO.	STATE	CLASS	BIRTHDATE
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SEX	HAIR	EYES	HEIGHT	WEIGHT	OTHER DES.
-----	------	------	--------	--------	------------

M	F				
---	---	--	--	--	--

VEHICLE LICENSE NO.	STATE	PASSENGERS
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M	F
---	---

YEAR OF VEH.	MAKE	BODY STYLE	COLOR
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REGISTERED OWNER OR LESSEE

ADDRESS OF OWNER OR LESSEE

VIOLATION(S)	CODE	SECTION	DESCRIPTION	<input type="checkbox"/> INFRACTION
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				<input type="checkbox"/> BOOKING REQUIRED
--	--	--	--	-------------------------------------------

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APPROX. SPEED	PF/MAX SPEED	VEH. SPD. LMT.	SAFE SPD.	ACCIDENT
---------------	--------------	----------------	-----------	----------

				YES <input type="checkbox"/> NO <input type="checkbox"/>
--	--	--	--	----------------------------------------------------------

LOCATION OF VIOLATION(S)

--

BUS. <input type="checkbox"/>	RES. <input type="checkbox"/>	RURAL <input type="checkbox"/>	SCHL. <input type="checkbox"/>	FRWY. <input type="checkbox"/>
-------------------------------	-------------------------------	--------------------------------	--------------------------------	--------------------------------

WEATHER	TRAFFIC	CONDITION OF ROAD	NO. OF LANES
---------	---------	-------------------	--------------

RAIN	FOG	HEAVY	MED	LIGHT	NARROW	CURVE	HILL	SLIPPERY
------	-----	-------	-----	-------	--------	-------	------	----------

HAZARD TO:	PED. <input type="checkbox"/>	VEH. <input type="checkbox"/>	NEAR ACCIDENT <input type="checkbox"/>	SIGNAL GIVEN
------------	-------------------------------	-------------------------------	----------------------------------------	--------------

				YES <input type="checkbox"/> NO <input type="checkbox"/>
--	--	--	--	----------------------------------------------------------

<input type="checkbox"/> OFFENSE(S) NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON THE DATE SHOWN ABOVE AT

I.D. NO.

ISSUING OFFICER

PLACE

NAME OF ARRESTING OFFICER, IF DIFFERENT FROM ABOVE

SERIAL NO.

VACATION

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE

INDICATED BELOW

X SIGNATURE

--

BEFORE THE JUDGE OF THE COURT AT THE

<input type="checkbox"/> JUVENILE COURT	<input type="checkbox"/> SOUTH BAY MUNI.
-----------------------------------------	------------------------------------------

ADDRESS:

TIME	MONTH	DAY	YEAR
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A.M.			
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P.M.			
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FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA

REV. 1-1-78 V.C. 40500(b) P.C. 235.2

PD 236 (3-78)

COURT'S COPY

ARE ALL TICKET FORMS THE SAME?

No, they vary from area to area in color, size and the information that appears on the citation. Most state vehicle codes require specific information that *must* appear on all citation forms throughout that state, and while this provides for some standardization within the state, the local agencies remain free to add frills and additional information.

All ticket forms will include your name, address, vehicle description and driver's license number, places for both your and the officer's signature and a brief description of the vehicle code section which you were charged with violating. Ticket forms vary in size from small, multi-part forms that are imprinted with a credit-card type license, to an 8½" x 11" letter-size form.

One officer who works for an agency using this over-size form says that more than one motorist has asked if the extra-large form was provided to allow him to write with his crayons. The size of the form will not affect the size of the fine or the seriousness of your violation, even if it is written in crayon.

WHAT'S A CITATION?

Officially, a citation is a written promise by you to appear in court for an alleged violation on a specific date and time, in lieu of being arrested by the officer. In reality, this is a vastly shortened form which combines an arrest report for your infraction or misdemeanor violation of the vehicle code, and a booking and release slip. Technically, your ticket represents an arrest, and the officer is releasing you from his custody

Tickets vary from region to region, but all contain the same basic information.

on the promise that you will appear in court to face the charges. In many agencies, citations are referred to as “arrests” or “pinches.”

IS THERE A DIFFERENCE BETWEEN A TICKET AND A CITATION?

No, whether you call it an arrest, a pinch, a coupon, greenstamp, or invitation; it all means that you got nailed and have an upcoming appearance in court.

The various terms for tickets will vary from region to region, depending where you are and who you’re talking to on the C.B. A ticket is a citation and a citation is a ticket. As the poet-playwright William Shakespeare put it, “A rose by any other name would smell so sweet.” Well, a ticket by any other name tastes just as sour.

WHAT’S AN INFRACTION?

An infraction is when you break a law (not a leg) for which you cannot be punished with a jail sentence. Many traffic violations fall under this category, and are punishable only by fine, or by suspending or revoking your driver’s license. An infraction isn’t something you can ignore, however, as you can still go to jail for failure to appear (a misdemeanor) if you don’t show up in court.

WHAT’S A MISDEMEANOR?

A misdemeanor is a violation of the law for which you can be punished by up to a year in jail. Only the

most serious offenses of the vehicle code fall under the misdemeanor category; reckless driving, driving under the influence of alcohol or drugs, non-injury hit-and-run, exhibition of speed and the like. Driving offenses which result in death or injury to any person are usually felonies, punishable by a year or more in prison.

CAN I GET A TICKET FOR A FELONY?

No, a conviction for a felony requires a trip to "the big house." However, with today's apparent leniency in the court system, many officers joke about citing felons, issuing tickets to murderers and the like on their promise to appear. Some traffic officers complain that when they arrest a felony suspect, it doesn't appear on their monthly activity recap (which shows their standing in the ticket race). These officers will often write the felon a ticket for the traffic violation for which he was originally stopped, and tuck it into his pocket as they throw him into the slammer.

WHAT DID HE SAY I DID WRONG?

Usually, the law which he says you violated will appear in a very abbreviated form somewhere on the citation. He will usually give you an adequate verbal description when he writes the ticket, such as "Sir, I clocked you at 15 miles above the posted speed limit as I paced you for the last 5 miles," or "I observed you making an illegal left turn right underneath that "No Left Turn" sign at the last corner." What actually appears on the description line on the citation is "Speed," "Violation of Signs" or even "Signs."

RESIDENCE ADDRESS (ST. OR ROAD) <i>Jane</i>				CITY	
VIOLATION (S) <i>22348 @VC-</i>				INFRACTION SEE REVERSE <input checked="" type="checkbox"/>	
<i>EXCESSIVE SPEEDS - N-10</i>					
<i>LANES PASSING ALL TRAFF</i>					
<i>PACES / MI. GOVERNOR DA</i>					
<i>EASTGATE MAIL O/C -</i>					
<i>IN #2 W. 6 CLK BACK</i>					
SPEED		VEH. LMT.		AREA	BEAT
APPROX.	P.F. / MAX.	SAFE			
<i>55</i>	<i>55</i>	<i>---</i>		<i>645</i>	<i>159</i>
LOCATION OF VIOLATION (S) <i>N/B I-805 So/10 Carroll Cyn</i>					
OFFENSE (S) NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.					
CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE					

This ticket describes the violation both by Vehicle Code section and with an explanation.

In addition to the description, somewhere on the citation will appear a vehicle code or traffic code section number. This number indicates the section or the specific law the officer claims you were violating.

HOW DO I KNOW IF I WAS WRONG?

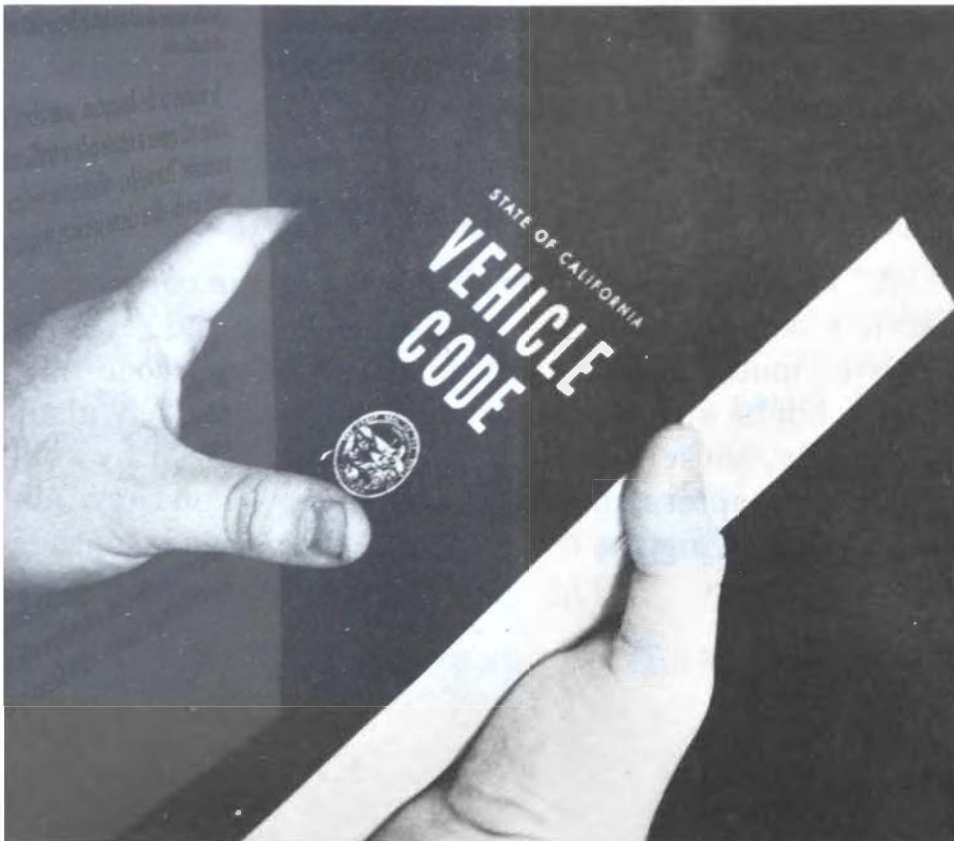
As a general rule for determining the legality of your traffic actions, "If it's rude, it's illegal." Many traffic officers use this rule as a criteria for stopping motorists, and then look up the appropriate "rude" section in the vehicle code. If your driving style is sufficiently rude to cause other motorists to shout vile obscenities in your direction and gesture wildly with their middle fingers, there's a good chance you may

have broken the law. If you were caught while speeding, it took only a quick, sickening peek at your speedometer to let you know why you were stopped. Of course, merely being a 'polite' driver still won't keep you from breaking any of the traffic laws.

WHAT IF I DIDN'T KNOW IT WAS WRONG?

Most states have the philosophy that anyone who takes the privilege of driving also assumes the responsibility of obeying all of that state's traffic laws. This doesn't seem all that difficult as you look over the driver's pamphlet with its dozen or so basic traffic laws and take the written test with its 50 or less questions. It's not until you begin trying to track down your

Some state's vehicle laws fill hundreds and hundreds of pages.



traffic violation that you come to the realization that there are thousands upon thousands of traffic laws in the state code, and these don't even begin to take into account the county and city traffic ordinances.

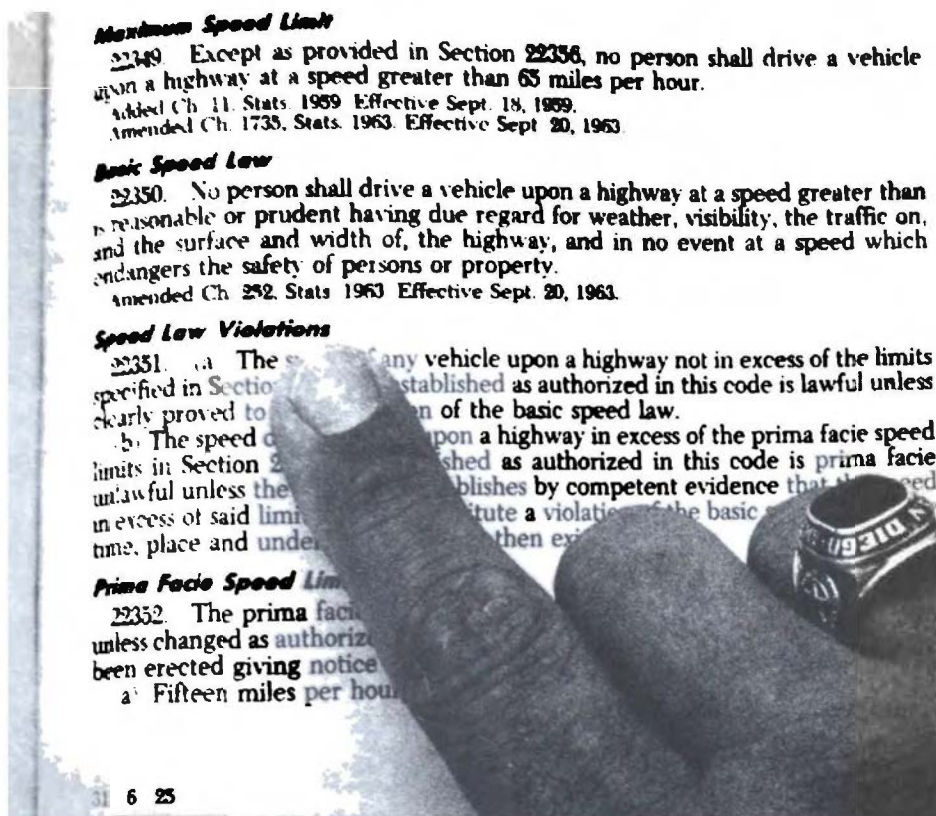
If you didn't know it was wrong, that won't get you out of your traffic ticket. As many judges will routinely tell you, "Ignorance of the law is no excuse."

WHAT DETERMINES IF MY ACTIONS WERE ILLEGAL?

Generally, if your action was in violation of a specific section of a vehicle code, it was illegal. This section could be out of your state's vehicle or traffic code, from a county or city ordinance or even a violation of a "temporary" law such as the order of a traffic officer. If an officer points at your car and then points to your right, your lane just turned into a "Right Turn Only" lane and his instructions carry the force of the law.

WHAT IS A "VEHICLE CODE"?

A "Vehicle Code" or "Traffic Code" is the portion of a state's laws which deal with the use, sale and registration of motor vehicles (in some states the code may cover boats and other forms of transportation also). Typically, these laws are carefully organized by subject into chapters and specific sections. When they talk about "throwing the book at you," this is the book they usually mean.



WHAT'S A VEHICLE CODE SECTION?

A vehicle code section is that particular section of the motor vehicle laws of your state, which deal with a particular action, movement on a highway, or a particular piece of required equipment. These sections are often divided into two or more parts, for instance, the portion of the code dealing with turns might cover left and right turns separately, in different parts of the same section.

HOW DO I FIND OUT WHAT THE VEHICLE CODE SECTION REALLY SAYS?

First, get a copy of your state's vehicle code. Then,

locate the vehicle code section (and sub-section, if given, usually written in the description section of your citation) and look it up in the vehicle code. Carefully read through all of the section with the intent of comparing it to your violation. You may find it necessary to read several surrounding sections to put your section in proper context. Definitions of specific terms used in such codes (like highway and right-of-way) are usually precisely defined in some portion of your state's vehicle code.

HOW DO I GET A COPY OF THE VEHICLE CODE?

This is a question that is all too seldom asked. We spent months cutting through all the red tape to locate this information and probably underwrote Ma Bell's operations for the next year with our long distance charges. With each state we called, it was almost like playing "Twenty Questions" as various officials passed the buck until someone dusted off the file cabinets and came up with the information. Usually these codes are only in demand by police officers, prosecutors and judges; many of the states we called seemed genuinely surprised that anyone had the good sense to ask about how a citizen could obtain a copy of their vehicle code.

We've made it altogether too easy for you, as we have listed by state the correct title, the address from which it can be ordered, the number of pages, type of binding and the cost to you (prices are up-to-date and include postage as of this writing, but are subject to change. Most states prefer money orders as the method of payment). Also given is a phone number you can call for

more information on obtaining each state's vehicle code book. If you can't afford your state's vehicle code, write to them and ask about your section. They'll usually send you a xerox copy. If you don't have the time to wait for the mail, your local library will surely have a copy for you to look through. This may be an especially useful source if you are the type of person that files your income-tax return on April 15th and waited until the day of your trial to prepare your defense.

When writing for a copy of your state's Vehicle Code, be sure to mention the exact title of the book and ask specifically for the latest edition and supplements. Some of these codes haven't been revised in over 10 years, and the supplements have more pages than the original book. Also be sure to include your return address, so they know where to ship the document.

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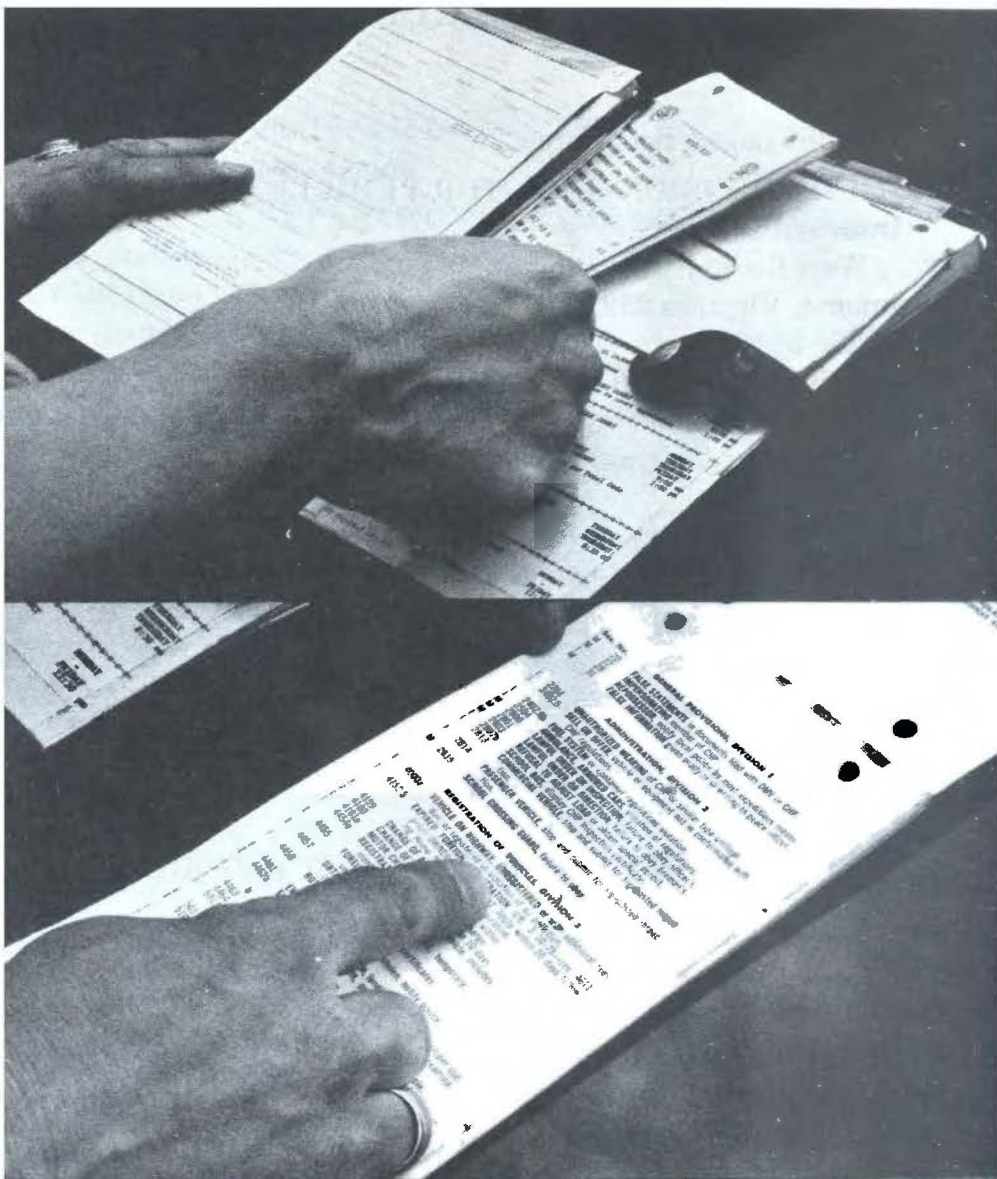
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- I 22111 HAND SIGNALS, improperly given, (a) left, (b)
- I 22112 SCHOOL BUS SIGNALS, misuse by bus driver.

SPEED LAWS, CHAPTER 7

- I 22348a MAXIMUM SPEED LIMIT, 55 mph; supersedes 2234 until 6-30-78 or until canceled.
- I 22349 MAXIMUM SPEED LIMIT, 65 mph.
- I 22350 SAFE SPEED for prevailing conditions, use for a
 ma facie limits: 15 mph, blind intersection
 sing, or any alley; 25 mph, school zones,
 ential district; otherwise limit posted.
 M SPEED LIMIT, 70 mph when posted.
 M SPEED, (a) impeding traffic; (b) below
 LIMIT (posted) for condition of bridge,

HOW DOES THE OFFICER REMEMBER ALL THOSE LAWS IN THE FIRST PLACE?

Obviously, with thousands upon thousands of state and local laws there is no possible way for the traffic officer to remember them all. Remembering that many traffic laws would be like trying to memorize your city's phone book. Most officers use a reference list they call a "cheat sheet," which is much like your personal list of frequently called phone numbers that you keep by your phone for easy reference. When an officer first observes a violation he can usually recognize one on the basis of the "Rude Rule," that is, if an act on the highway is inconsiderate of another driver or just looks very unusual or unsafe it is probably illegal.

Once the car is stopped, the officer can usually locate the appropriate section of the vehicle code by consulting his "cheat sheet." If a violation is not listed on his cheat sheet it will take him just a few minutes longer to dig out his copy of the vehicle code and look through it or just get on the radio and ask the dispatcher or another officer. The cheat sheet is a handy little card which fits in his ticket book, or on the sun visor of his patrol car and indexes violations by subject matter. Often the description of the violation is extremely brief and vague, like "Max. Speed," or "P.F. Speed" and may not accurately describe your violation. Remember the cheat sheet is not an official vehicle code, but only serves as a ready reference or index. If an officer shows you a cheat sheet while describing your violation, don't accept it as gospel or all inclusive. The vehicle or traffic code for your state is *the* "Bible" of the highways.

Cheat sheets are composed and printed by local or

An officer's "cheat sheet" makes it easy to locate the vehicle code section, but also makes it easy for the officer to miss one of the elements of the violation.

state law enforcement agencies and can contain reference information other than vehicle code violations, so don't be surprised to find that an officer has penciled in a grocery list or has used the corner of the card to write down "Suzie's" phone number from the local diner. The officer may underline offenses that he or his supervisor may want special attention given to such as following too close or violation of right-of-way sections. The cheat sheets used in many agencies have printed what they consider "Hazardous" violations in a different type style so officers are sure which types of tickets the administration considers worthy of citations and not warnings.

DOES THE OFFICER HAVE A COPY OF THE VEHICLE CODE?

Chances are the officer's copy of the vehicle code has been left behind in his locker along with his brass polish and extra shoe-laces. Some traffic officers have been known to carry along a copy in their briefcase as part of their equipment, but often this is several years old and may be out-dated. Really conscientious officers may carry a current copy of the vehicle code, but the likelihood of an officer having a current edition is directly proportional to the number of years the officer has served on the department. Rookies have recent editions, while grizzled veterans still hang on to the copy issued to them in the Spring of '37.

CAN I ASK TO SEE IT?

Of course you can ask to see the officer's copy of the

vehicle code, and the chances are pretty good that he'll show it to you if he has one with him. He will probably be very surprised to be asked for it. (This is kind of like asking to see your family doctor's A.M.A. membership card) and it will give him a good "war story" to tell the other guys at coffee ("You guys won't believe what this dude asked me for!").

The real question is, do you *want* to see a copy of the vehicle code? Your request isn't going to change what he writes (other than to make sure he writes everything very carefully) and will only make you stand out in the officer's mind. Weeks or months later when you appear in court, you won't be "just another speeder" to the officer, you will be remembered as "the guy that asked for the vehicle code." You might be better off waiting until later to look up your violation.

DOES HE HAVE TO SHOW IT TO ME?

No, there is nothing which requires an officer to show his copy of the vehicle code to you. However, most agencies are far more PR oriented than the public generally believes and will go out of their way to accommodate a citizen's reasonable request. If you feel that you absolutely must see a copy of the vehicle code at the time of your citation, try to make it a polite request rather than an aggressive demand. If you make yourself truly obnoxious, the traffic officer's natural defensive reaction is to find additional violations to add to your citation. You'd probably be better off never seeing a copy of the vehicle code at all.

Maximum Speed Limit

22349. Except as provided in Section 22356, no person shall drive a vehicle upon a highway at a speed greater than 65 miles per hour.

Added Ch. 11, Stats. 1959. Effective Sept. 18, 1959.

Amended Ch. 1735, Stats. 1963. Effective Sept. 20, 1963.

Basic Speed Law

22350. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Amended Ch. 252, Stats. 1963. Effective Sept. 20, 1963.

Speed Law Violations

22351. (a) The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.

(b) The speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

Prima Facie Speed Limits

22352. The prima facie limits are as follows and the same shall be applicable

Vehicle codes tend to say the simplest things in the most complicated ways.

NOW THAT I'VE GOT A COPY OF THE VEHICLE CODE, WHAT DOES IT MEAN?

To understand what the particular section of the vehicle code you were charged with violating really means, you must first understand all of the terminology. The words used in the laws often have a very specific meaning, which is usually defined in other sections of the code. The glossary provided in this book will provide you with a close definition of some of the terms used in your state, but if your case is going to hang on the wording of the law you would be wise to check carefully in the code itself.

You might also check in the "Annotated" version of the code, which is available at your city or county law library. This version of the vehicle code will reflect the latest changes in the law and also shows how recent court decisions may have affected those laws. These books are up-dated regularly, and these up-dates may be in the form of paper-bound flyers which should be checked in addition to the hard bound volumes.

Further understanding of the vehicle code section can be gained by listing and examining each of the elements of your violation separately.

WHAT IS AN ELEMENT?

Every violation is made up of a number of separate facts, or "elements." It is only after *all* of the elements have occurred that you have a violation. It's kind of like making a screwdriver. The elements are vodka, orange juice and a glass. If you forget the vodka, you only have a glass of orange juice. If you forget the orange juice, you only have a glass of vodka, and if you forget the glass you have a mess. Leave out any of the elements and you don't end up with a screwdriver.

The elements of your violation are similar: if you don't have all of the elements, you don't have a violation. This can be a mess for the officer, but one which can be easy for you to clean up in court.

WHAT ARE THE ELEMENTS OF MY VIOLATION?

The elements for every section of the vehicle code are

different, and it's up to you to separate and identify the elements of your specific violation. Here are a few examples which should help you in isolating the various elements:

If the law read, "No person shall drive a vehicle upon a highway at a speed greater than 55 miles per hour," you have four elements.

1. You must be a person (your dog can't get a ticket for this);
2. You must be driving a vehicle;
3. The vehicle must be on a highway (not a private road or on a local race-track);
4. And you must be traveling over 55 miles per hour.

A typical law controlling U-turns in a residential area might read, "*No person in a residence district shall make a U-turn when any other vehicle is approaching from either direction within 200 feet, except at an intersection.*" The elements of this violation are:

1. You must be driving a vehicle;
2. in a residence district;
3. you must make a U-turn;
4. another vehicle must be approaching;
5. the other vehicle must be within 200 feet;
6. and you must not have been at an intersection when you made your U-turn.

After reading through a few of these sections, they sound almost like they're written in English and the elements become readily identifiable. It's best to list each of the elements on a sheet of paper, so that they can be carefully and individually examined and compared with your violation. If all the elements are pres-

ent in your violation your only option may be to drop back and punt (See "Fighting the System").

IF I DON'T UNDERSTAND THE VIOLATION, WHO DO I ASK?

For a lot of offenses, particularly violations of local ordinances, you might try calling the agency which issued the citation. These local agencies are usually very cooperative, but be sure you are not talking to an untrained civilian employee who may know little more than you do.

Another option is your family lawyer, who sometimes will give you some quick information without charging for it. If the attorney charges you for his time, the cost of the consultation is likely to be considerably higher than the cost of the ticket.

Your best bet in getting an explanation of your violation might be through your state agency's Public Information Officer. We've cut through all of the red tape for you and compiled a complete list of *the* number to call, usually the desk of a ranking officer who has assured us of cooperation with any callers. (If any of these officers are uncooperative, please drop a note to both his agency and to us; we'll follow up on it.)

STATE POLICE PUBLIC INFORMATION CONTACTS

ALABAMA DEPARTMENT OF PUBLIC SAFETY

Alabama State Troopers

500 Dexter Avenue

Montgomery, Alabama 36130

(205) 832-5095

ALASKA DEPARTMENT OF PUBLIC SAFETY

Alaska State Troopers
Information Officer
P.O. Box 6188 Annex
Anchorage, Alaska 99502
(907) 264-5560

ARIZONA DEPARTMENT OF PUBLIC SAFETY

Arizona Highway Patrol
2310 N. 20th Avenue
Phoenix, Arizona 85005
(602) 262-8011

ARKANSAS STATE POLICE

P.O. Box 4005
Little Rock, Arkansas 72203
(501) 371-2151

CALIFORNIA HIGHWAY PATROL

Office of Public Affairs
P.O. Box 398
Sacramento, California 95804
(916) 445-3908

COLORADO STATE PATROL

Public Information Office
4201 E. Arkansas
Denver, Colorado 80222
(303) 757-9636

CONNECTICUT STATE POLICE

100 Washington Street
Hartford, Connecticut 06106
(203) 566-4054

DELAWARE STATE POLICE

Public Information Office
P.O. Box 430
Dover, Delaware 19901
(302) 734-5973

DISTRICT OF COLUMBIA
Metropolitan Police Department
Public Information Office
300 Indiana Avenue, N.W.
Washington, D.C. 20001
(202) 626-2871

FLORIDA HIGHWAY PATROL
Public Information Section
Niel Kirkman Building
Tallahassee, Florida 32301
(904) 488-7134

GEORGIA STATE PATROL
Public Information Office
959 East Confederate Avenue
Atlanta, Georgia 30301
(404) 656-6140

HONOLULU POLICE DEPARTMENT
1455 South Bertania Street
Honolulu, Hawaii 96814
(808) 955-8111

NOTE: Hawaii has no Highway Patrol or State Police. County law enforcement agencies handle all traffic enforcement within their jurisdictions. This agency handles Honolulu City and County, which is the island of Oahu.

IDAHO STATE POLICE
P.O. Box 34
Boise, Idaho 83731
(208) 384-3851

ILLINOIS STATE POLICE
Public Affairs Section
613 Armory Building
Springfield, Illinois 62706
(217) 782-6637

INDIANA STATE POLICE

Public Information Office
100 North Senate
Indianapolis, Indiana 46204
(317) 633-5674

IOWA HIGHWAY PATROL

Public Information Office
Wallace State Office Building
Des Moines, Iowa 50319
(515) 281-8842

KANSAS HIGHWAY PATROL

Research and Planning Section
Towncrite Plaza
Building #2, Suite 130
200 East 6th Street
Topeka, Kansas 66603
(913) 296-3801

KENTUCKY STATE POLICE

Legal Section
Room 305
New State Office Building
Frankfort, Kentucky 40601
(502) 564-4435

LOUISIANA STATE POLICE

Public Information Office
265 South Foster Drive
Baton Rouge, Louisiana 70802
(504) 389-7300

MAINE STATE POLICE

Public Information Office
36 Hospital Street
Augusta, Maine 04333
(207) 289-3038 or 289-3393

MARYLAND STATE POLICE

Public Information Office
Pikesville, Maryland 21208
(301) 486-3101 Ext. 237

MASSACHUSETTS STATE POLICE

State Police Headquarters
Traffic Division
Public Information Officer
1010 Commonwealth Avenue
Boston, Massachusetts 02215
(617) 566-4500

MICHIGAN DEPARTMENT OF STATE POLICE

Public Affairs Section
714 South Harrison Road
East Lansing, Michigan 48823
(517) 373-8349

MINNESOTA STATE PATROL

Information Desk
3800 Dunlap Street
St. Paul, Minnesota 55112
(612) 482-5901

MISSISSIPPI HIGHWAY SAFETY PATROL

Public Relations Bureau
P.O. Box 958
Jackson, Mississippi 39205
(601) 982-1212 Ext. 220

MISSOURI STATE HIGHWAY PATROL

Public Information Section
1510 East Elm Street
Jefferson City, Missouri 65101
(314) 751-3313 Ext. 115

MONTANA DEPARTMENT OF JUSTICE

Montana Highway Patrol Bureau
1014 National Avenue
Helena, Montana 59601
(406) 449-3000

NEBRASKA STATE PATROL

Public Information Office
P.O. Box 94907 State House
Lincoln, Nebraska 68509
(402) 477-3951

NEVADA DEPARTMENT OF MOTOR VEHICLES

Nevada Highway Patrol
555 Wright Way
Carson City, Nevada 89711
(702) 885-5300

NEW HAMPSHIRE STATE POLICE

Traffic Division
James Hayes Safety Building
Haven Drive
Concord, New Hampshire 03301
(603) 271-3296

NEW JERSEY STATE POLICE

State Police Headquarters
Public Information Office
P.O. Box 7068
West Trenton, New Jersey 08625
(609) 882-2000 Ext. 209

NEW MEXICO STATE POLICE

Public Information Officer
Training Section
P.O. Box 1628
Santa Fe, New Mexico 87501
(505) 827-5104

NEW YORK STATE POLICE

Public Relations Supervisor
Building 22
State Campus
Albany, New York 12226
(518) 457-2180

NORTH CAROLINA HIGHWAY PATROL

Public Information office
P.O. Box 27687
Raleigh, North Carolina 27611
(919) 733-5027

NORTH DAKOTA HIGHWAY PATROL

Public Information Section
State Capitol Building
Bismarck, North Dakota 58505
(701) 224-2455

OHIO STATE HIGHWAY PATROL

Planning and Research Section
660 East Main Street
Columbus, Ohio 43205
(614) 466-3120

OKLAHOMA DEPARTMENT OF PUBLIC SAFETY

Public Information Office
3600 North Eastern
Oklahoma City, Oklahoma 73136
(405) 424-4011 Ext. 291

OREGON STATE POLICE

Public Information Office
107 Public Service Building
Salem, Oregon 97310
(503) 378-3723

PENNSYLVANIA STATE POLICE

Public Information Office
1800 Elmerton Avenue
Harrisburg, Pennsylvania
(717) 783-5556

RHODE ISLAND STATE POLICE HEADQUARTERS

Public Information Office

P.O. Box 185

North Scituate, Rhode Island 02857

(401) 647-3311

SOUTH CAROLINA HIGHWAY PATROL

Public Information Section

955 Park Street

Columbia, South Carolina 29202

(803) 758-3315

SOUTH DAKOTA HIGHWAY PATROL

Deputy Director of Field Operations

118 West Capitol Avenue

Pierre, South Dakota 57501

(605) 773-3105

TENNESSEE DEPARTMENT OF SAFETY

Public Relations and Information Office

Room 1225

Andrew Jackson State Office Building

Nashville, Tennessee 37219

(615) 741-2491

TEXAS DEPARTMENT OF PUBLIC SAFETY

Public Information Office

P.O. Box 4087

Austin, Texas 78773

(512) 452-0331

UTAH HIGHWAY PATROL

Public Information Office

Room 304

State Office Building

Salt Lake City, Utah 84114

(801) 533-5621

VERMONT DEPARTMENT OF PUBLIC SAFETY

Vermont State Police
Public Information Office
Montpelier, Vermont 05602
(802) 828-2187

VIRGINIA STATE POLICE

Public Information Office
P.O. Box 27472
Richmond, Virginia 23261
(804) 272-1431 Ext. 269

WASHINGTON STATE PATROL

Public Information Office
General Administration Building
Olympia, Washington 98504
(206) 753-6562

WEST VIRGINIA STATE POLICE

Public Information Officer
711 Jefferson Road
South Charleston, West Virginia 25309
(304) 348-6370

**WISCONSIN DEPARTMENT OF
TRANSPORTATION**

Wisconsin State Patrol
Public Information Office
4802 Sheboygen Avenue
Madison, Wisconsin 53702
(608) 266-7744

WYOMING HIGHWAY PATROL

c/o Wyoming Highway Department
Public Information Office
P.O. Box 1708
Cheyenne, Wyoming 82001
(307) 777-7267

SHOULD I BE SATISFIED WITH JUST ONE PERSON'S OPINION?

That depends on who answered it, and how knowledgeable they were. If they sounded like they knew the information and had some kind of background or experience, one person's opinion may be sufficient. In all cases, be sure that *you* have read and understood the section of the vehicle code. Of course, if the opinions you are getting are free, it doesn't hurt to ask.

SHOULD I FIGHT IT?

This is a tough question as many factors will be affecting your decision. Some of these factors are more important than others. One big reason why most people won't fight their traffic tickets is the fact that the system is so imposing. There is no reason for you to fear the system (see "The System") as it's not all that complicated and you have everything to gain by fighting. If you were truly innocent and did not violate the law which appears on your citation, then you should definitely fight it in court.

Another consideration should be the strength of evidence against you. If you were paced with the patrol car kissing your rear bumper for five miles, his estimation of your speed is probably valid. On the other hand, if he clocked you with radar when you were right in the middle of a group of speeding trucks, all of which were traveling faster than you, there might be a reason to question the strength of his evidence and fighting the ticket might be a good idea.

You should also take into account how your violation will affect your driving record and whether it will raise

your insurance rates. If this citation may mean losing your license, it's probably worth fighting over.

The convenience of fighting the ticket is another consideration. If the court is located nearby, your traveling time and costs will be minimized. If you can get the time off from your place of employment and the lost time won't cost you too much money, then you may want to fight the ticket.

If you were guilty, but felt you were the unfair victim of a "cherry patch" or some other unfair enforcement technique, you may want to fight the ticket.

You may wish to fight your ticket just for practice and the educational benefits; even if you lose it won't cost you any more than if you mailed the fine in, and if you're lucky the judge may even fine you less. By the time you get into court on a citation that is really vital to you, you may have more accumulated experience in court than the prosecutor.

No book can tell you one way or another whether you should fight your ticket. Of course, there are those people that advocate fighting every ticket, but ultimately you have to evaluate how much fighting the ticket is worth to you. The decision to fight is up to you.

HOW WILL THIS CITATION AFFECT MY RECORD?

The citation's effect on your record will depend on whether or not you are convicted (sending in the fine or pleading "guilty" is the same as a conviction). If you are found "not guilty," or if your case is dismissed, the citation will not appear on your record at all. In California and some other states, a "point system" is

used. To find out whether your state has a point system, check your vehicle code. If you're still unsure, call or write the state's DMV Public Information Officer as previously listed in this chapter.

It might prove an interesting experiment if fines were totally removed, leaving only the point system. This would remove the revenue incentives for the police agencies, while the driver would still have his license and insurance rates at stake. Perhaps traffic enforcement patterns would change drastically under such a system.

The convictions appearing on your driving record may also affect the amount of the fine you will be required to pay. A chronic speeder (as evidenced by his record) may get a whopping big fine on this third or fourth conviction and may even lose his license. Your record can also have a major impact on your insurance premiums. Compared to your premium, your fine may look insignificant.

HOW DOES A "POINT SYSTEM" WORK?

Point systems are used to penalize repeat offenders of traffic laws. A certain number of points are assigned to each violation, and getting a certain number of points on your record within a given period of time may result in the loss of your license.

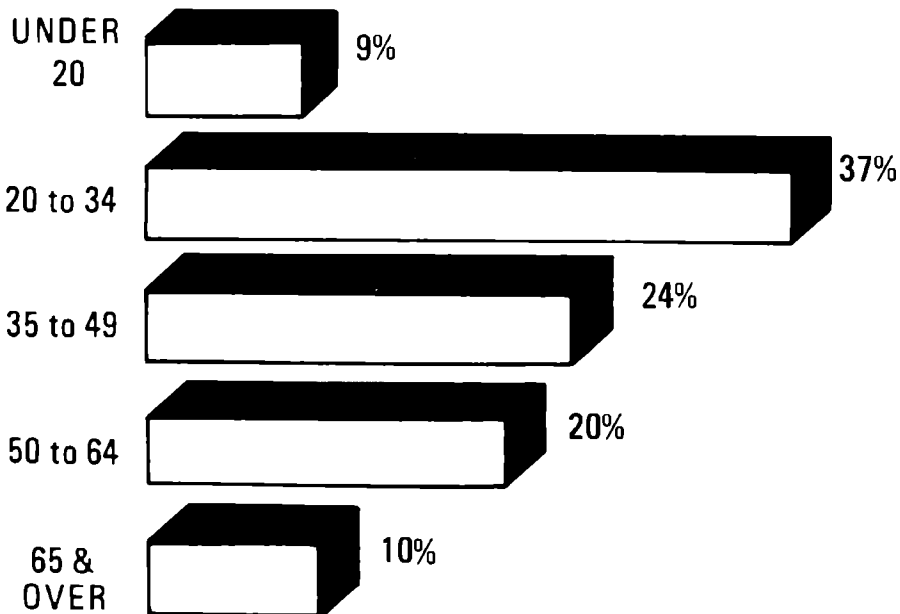
The California point system is typical of most. In California, misdemeanor violations count two points with all other moving violations and accidents where the driver is at fault counting one point. Getting four or more points in one year (or six in two years or eight in three years) may result in the state revoking your

license after a hearing with a special board, or a hearing officer from the Department of Motor Vehicles. Professional drivers (those who drive over 25,000 miles per year) may be allowed two more points each year than the four, six or eight points mentioned above. If another state has a reciprocal agreement with your state, out-of-state violations may add points to your record as well.

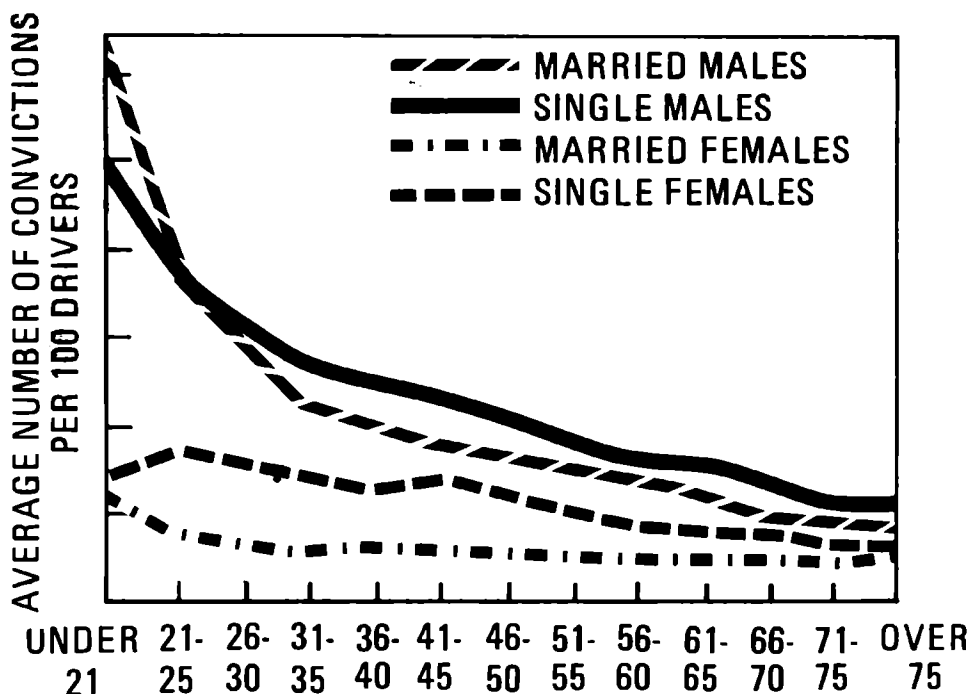
HOW WILL THIS CITATION AFFECT MY INSURANCE?

Generally, a single violation in a three year period will have no effect on your insurance. Additional citations can raise your rates by ten to eighty percent *each*. Convictions for driving under the influence of drugs or

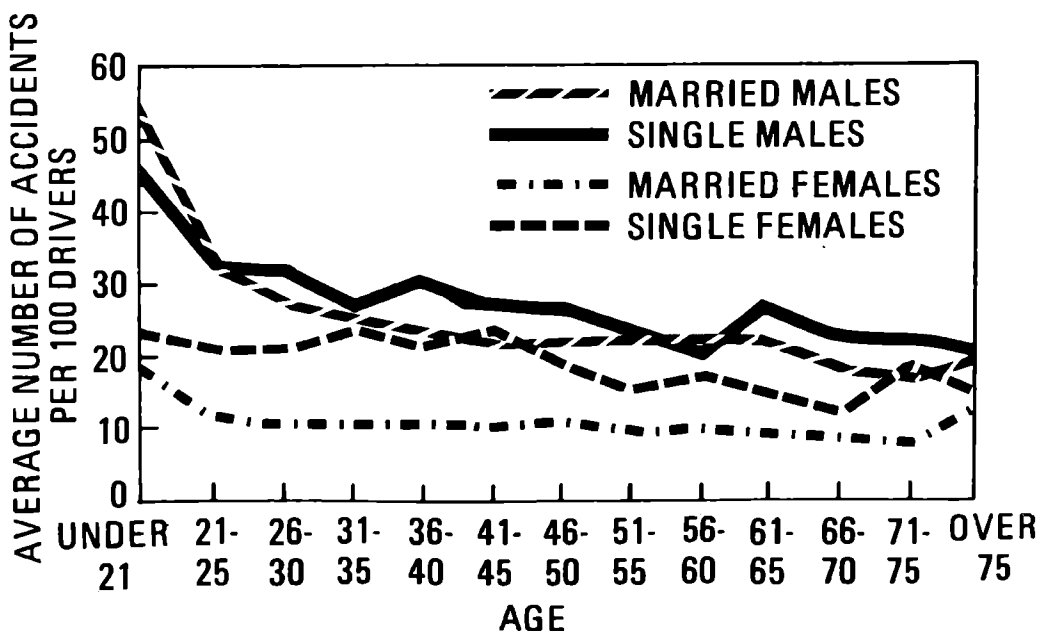
PERCENTAGE OF DRIVERS BY AGE, 1976



AVERAGE NUMBER OF CONVICTIONS BY AGE, SEX AND MARITAL STATUS (THREE YEAR DRIVING RECORD)



AVERAGE NUMBER OF ACCIDENTS BY, SEX, AND MARITAL STATUS (THREE YEAR DRIVING RECORD)



alcohol, or for reckless driving, are bound to have a major effect on your rates, and possibly cause you to lose your insurance altogether. The effect of citations on your insurance varies widely from company to company, so it's a good idea to shop around for the best price.

The increases in premiums on the basis of citations are justified by several studies. These studies show that most of the population are really good drivers, with 83 percent of the driving population accident free over a three year period. However, the drivers who get the most tickets are the ones who have the most accidents.

Drivers with only one traffic offense in the three year period had almost twice as many accidents as those with no convictions; those with three convictions had more than three times the number of accidents; and those with five convictions had more than four times as many accidents. Drivers with nine or more convictions in three years have over six times the number of accidents as those with no convictions.

If your own insurance company can't supply you with the information on how a ticket will affect your rates, there is a national source of insurance information that may be able to help you. The Western Insurance Information Service is a consumer education service supported by over 35 insurance companies (including Allstate, Farmer's, Montgomery Ward's and others). Its primary purpose is explaining the function and services of the insurance industry, and informing the public about the many factors that regulate the

cost of the protection they buy. They can be reached by writing or calling:

Western Insurance Information Service
1200 N. Main St. Suite 330
Santa Ana, CA 92701
(714) 558-1052

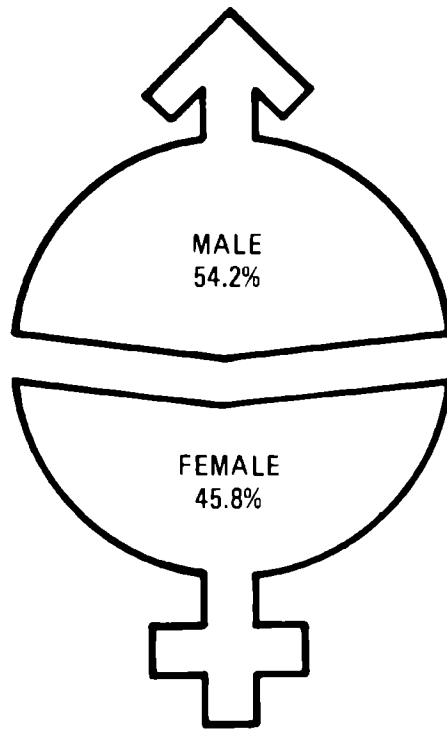
It's not too uncommon for a traffic officer to have a motorist come out of his car crawling on his knees and pleading, "Please, Officer, I can't afford insurance if I get another ticket." Unfortunately, these guys are usually the ones driving a Porsche or a Corvette, and most traffic officers are rather unsympathetic. "Quit groveling and take it like a man," they answer.

HOW DO THE INSURANCE COMPANIES FIND OUT ABOUT MY TICKET?

When you first apply for insurance, the company will always run a check on your driving record through the Department of Motor Vehicles. Other than this initial check, they will rarely look at your record again unless you do something to draw their attention; like having an accident, making a claim or getting behind on your payments. About the only way they'll become aware of any new violations is if you call them and ask about it. This is like calling them up and asking them to raise your rates.

If you're relatively happy with your present coverage and pick up a few tickets, you'll probably be best off if you stick with your current company until they find out about your citations on their own. Renewal forms from the insurance company are usually for billing purposes only, and won't even have a place for you

PERCENTAGE OF DRIVERS BY SEX, 1976



to mention any new offenses. This isn't hiding anything from the insurance company and under no conditions should you lie to them: they have the means for finding out the truth.

As long as your insurance company is ignorant of your present record, you should stick with them until the violations are cleared off your record.

HOW LONG WILL THIS CITATION AFFECT ME?

In most states, your violation will remain on your record for three years, after which it is expunged (permanently removed) from your record. An exception to this is driving under the influence of alcohol or drugs,

which may remain on your record for seven years or more. Of course, this will vary from state to state and you should check with your state's Department of Motor Vehicles.

HOW DO I KNOW HOW MUCH THIS IS GOING TO COST?

On some citations, the amount of bail will appear right on the form. Other states will inform you of the amount of bail by mail, usually with a handy envelope enclosed for mailing your check. It should be mentioned that any time you pay this, it constitutes "forfeiture of bail" and is equivalent to pleading guilty.

Some tickets have the bail clearly indicated.

ADDRESS _____			
VIOLATION	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>	
THE BAIL FOR THE VIOLATION(S) CHARGED AS SET BY THE COURT HAVING JURISDICTION IS \$ _____			
YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE THE JUDGE OF THE _____ COURT			
AT _____			
ON THE _____ DAY OF _____ 19____ AT _____ AM PM TO _____			
ANSWER CHARGE OF VIOLATION(S) DESCRIBED ABOVE			
<div style="border: 1px solid black; width: 40px; height: 40px; line-height: 40px; margin: 0 auto;">X</div>	DRIVER'S SIGNATURE _____		
I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.			
SIGNING THIS FORM IS A PROMISE TO APPEAR AS NOTIFIED AND NOT AN ADMISSION OF GUILT			
I CERTIFY UNDER THE PENALTIES PROVIDED BY LAW THAT I HAVE REASONABLE GROUNDS TO AND DO BELIEVE THAT THE ABOVE PERSON COMMITTED THE ABOVE OFFENSE CONTRARY TO LAW			

Paying by mail is most profitable for the state, as there are no court costs involved.

In some cases, you will never know what the bail is until you appear in person at the bail window, or until the moment that the judge's gavel falls.

WHAT ARE THE ODDS OF WINNING IN COURT?

Statistically, your odds of winning are about 30 percent. This doesn't mean that your chances of winning on any given case are about 30 percent, because most of the winning cases are based on there being missing elements of the violation or the violation not occurring at all. Whether or not you can win in court also depends on whether the officer was using radar, on the weather and traffic conditions and on numerous other factors. If you are guilty of the violation, your chances of winning in court are very, very slim.

Nationally, less than ten percent of all persons who are given tickets appear in court for their arraignment; the other 90 percent prefer to send in their bail money. Of the ten percent who appear in court, only one out of ten of those ever end up at trial. It has been speculated by some that if everyone were to go to court on their violations, it would overcrowd the entire court system to the point that it would have to be shut down or totally revised. This seems a little obvious with over 82,000 tickets being written in the U.S. each day. If the courts tried to accommodate a flow like that, there would be more courtrooms than McDonald's Hamburger stands. The states might set up a chain of

“Fast Trial” Courts, with drive-up windows and a big sign under golden arches reading, “Municipal Court, Over 24 Billion Convicted.”

HOW DO I KNOW IF HE USED RADAR?

Usually the officer will tell you that he used radar when he gives you the citation. Some officers will even write “radar” on the ticket, and many states provide check blocks on the citation to show if the officer used radar or VASCAR. There’s a good reason for doing this, because if the motorist knows that radar was used he may be less inclined to fight the ticket in court.

For the same reason, the officer will often show the motorist the actual radar unit, by either bringing the unit with your speed locked into it up to the car, or by taking the motorist back to the patrol car.

If you’re not sure about it, take a good look at the patrol car. Often the radar antenna is mounted on the left rear window, other times it may be mounted on the dashboard. Appearances can be deceiving, one enterprising smokey in Washington taped a black painted, cylindrical oatmeal box to his rear window and found that most motorists assumed it was a radar unit. Of course, an officer’s use of radar will almost always be introduced as evidence in court, but you’re much better off if you can find out before then.

WHY DOES THE WEATHER MATTER?

We all know that ice on the roadway, heavy rain, fog and other weather conditions affect visibility, braking distances and the car’s handling. When these fac-

tors are described on the citation, they usually represent a negative factor in your case, just one more reason why you shouldn't have been traveling at the speed you were.

Weather conditions can be a positive factor in your favor if they could have affected the officer's observation of your violation, or if it may have interfered with the use of his equipment (for instance, heavy rain can generate false readings on some radar equipment).

WHAT DO YOU MEAN BY TRAFFIC CONDITIONS?

Traffic condition usually refers to traffic density and is subject to the officer's interpretation. Usually check *Most citations utilize check-blocks to describe the traffic and highway conditions.*

PROX. SPEED	PR. MAX SPEED	VEH. SPD. LMT.	SAFE SPD.	ACCIDENT YES <input type="checkbox"/> NO <input type="checkbox"/>
LOCATION OF VIOLATION(S)				
BUS. <input type="checkbox"/> RES. <input type="checkbox"/> RURAL <input type="checkbox"/> SCHL. <input type="checkbox"/> FRWY. <input type="checkbox"/>				
OTHER	TRAFFIC		CONDITION OF ROAD	
W/ FOG	HEAVY	MED	LIGHT	NARROW
				CURVE
				HILL
				SLIPPERY
NO. OF LANES				
WARD	SIGNAL GIVEN			
	PED. <input type="checkbox"/>	VEH. <input type="checkbox"/>	NEAR ACCIDENT <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
<input type="checkbox"/> OFFENSE(S) NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.				
CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.				
EXECUTED ON THE DATE SHOWN ABOVE AT _____ I.D. NO. _____				
ISSUING OFFICER _____ CALIF. _____				
_____ PLACE _____				
NAME OF ARRESTING OFFICER, IF DIFFERENT FROM ABOVE			SERIAL NO.	VACATION
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW				
SIGNATURE _____				
BEFORE THE JUDGE OF THE COURT AT THE _____				

boxes are provided for light, medium or heavy traffic. What's heavy traffic to an Arizona Highway Patrol officer in the middle of the desert, might differ quite a bit from the definition used by a New York officer in downtown Manhattan at rush hour.

The traffic condition portion of the citation form is filled out automatically by most officers whether or not it has any bearing on your case. Traffic conditions have the most effect on violations such as illegal lane changes and the basic speed law, but should have little or no effect on equipment citations. Unfortunately, there's no place on the form to mark "No Traffic." Thus, at 3 o'clock in the morning when you and the officer are the only cars on the road, traffic conditions are described as "light."

WHAT DO YOU MEAN BY "NUMEROUS OTHER FACTORS?"

"Numerous other factors" covers a lot of territory which can affect the outcome of your case. One of the most important of these is the severity of your violation. If you were charged with traveling 100 miles per hour through a school zone, it's very unlikely that you will be able to win in court. Merely on the basis of the charge, the judge and jury will have a preconceived notion of you as a homicidal maniac. On the other hand, if you were clocked on a Sunday afternoon at 35 miles per hour in the same school zone, your chances of winning are considerably better.

Another factor is the officer's experience in traffic work. The observations and testimony of a veteran

officer are liable to count more heavily against you than those of a nervous rookie.

The accuracy of the officer's observation of your violation is another important factor. If he observed you from a considerable distance, or if his testimony in court is sketchy and lacking in detail, then your chances of winning improve noticeably.

As previously mentioned, the elements of the violation are a very important factor. If all of the elements of the violation aren't presented by the prosecution, you may be home free.

Your dress and grooming are also important, and you should put on your best appearance for the court. Your personality is something else which can help to sway the opinions of the court one way or another. If you get along well with other people, make friends easily and remind people of John-Boy Walton, you may favorably impress the judge and/or jury. Of course, they are not supposed to be influenced by anything other than the facts of the case, but in reality you may remind them of their own son or daughter. (This can be good or bad, depending on how they remember their children.) On the other hand, if you normally have all the tact of Don Rickles, you may be hard pressed to gain the jury's sympathy.

One last thing to consider is your own natural speaking ability. If you are capable of presenting your case well in front of a group of people it can be a tremendous asset to your case. Consider practicing your presentation with a few friends playing the parts of the officer and the prosecutor. However, avoid presenting a "canned" testimony.

Observe a few court cases so you can get a feeling for the type of questions that may be asked and be familiar enough with your material that you can avoid looking at your notes except for dramatic effect. You don't want to present yourself as a budding Perry Mason, but if you can appear to be articulate, sincere and knowledgeable it may count as a big plus for your chances of winning.

TYPES OF TICKETS

There's more than you'd believe. . . .



WHAT ARE THE DIFFERENT TYPES OF TICKETS?

There are more “types” of tickets than we could hope to cover in an entire book based on the subject, but all of them fall under one of the four basic categories of moving, equipment, pedestrian or parking citations.

These four categories cover innumerable types of citations, including tickets for speeding, illegal turns, the manufacture of the vehicle and its ultimate destruction. You can get a ticket for the violation of any one of the thousands upon thousands of vehicle laws which cover absolutely everything having anything to do with the operation of a motor vehicle and the highways on which they operate. The little booklet they hand to you before you take your driver’s license test just barely covers the rules of the road, and doesn’t even begin to cover all of the laws.

The vehicle code regulates what you have to do if you have an accident, and what you have to do if your car has a bullet hole. It regulates the height of your license plate and the color of the light illuminating it, and specifies how many times per minute your turn signals have to blink. The codes tell you when and where you can or can’t turn, the number of sun visors required on a trolley car, what you can drop on the highway without littering (clear water and live poultry feathers in many states), how high your bumper can be and how low your roof can extend. When you buy a car, sell a car, drive a car or build a car from scratch, your every action is regulated by the vehicle code. Failure to comply with those laws can lead to a ticket, or even your arrest. Of course, not all laws apply from state to state.

HOW DO I KNOW WHICH TYPES APPLY IN MY STATE?

The only way to know for sure is to look up the specific subject you're curious about in your state's vehicle code. (See *Looking at What You Got*: An evaluation of your citation.) The codes vary widely from state to state, and some violations may be unique, applying only to your state. In fact, some laws may apply only to your city, or even to a specific part of your city.

DO YOU MEAN THAT I CAN GET A TICKET IN MY STATE FOR SOMETHING THAT'S PERFECTLY LEGAL IN 49 OTHER STATES?

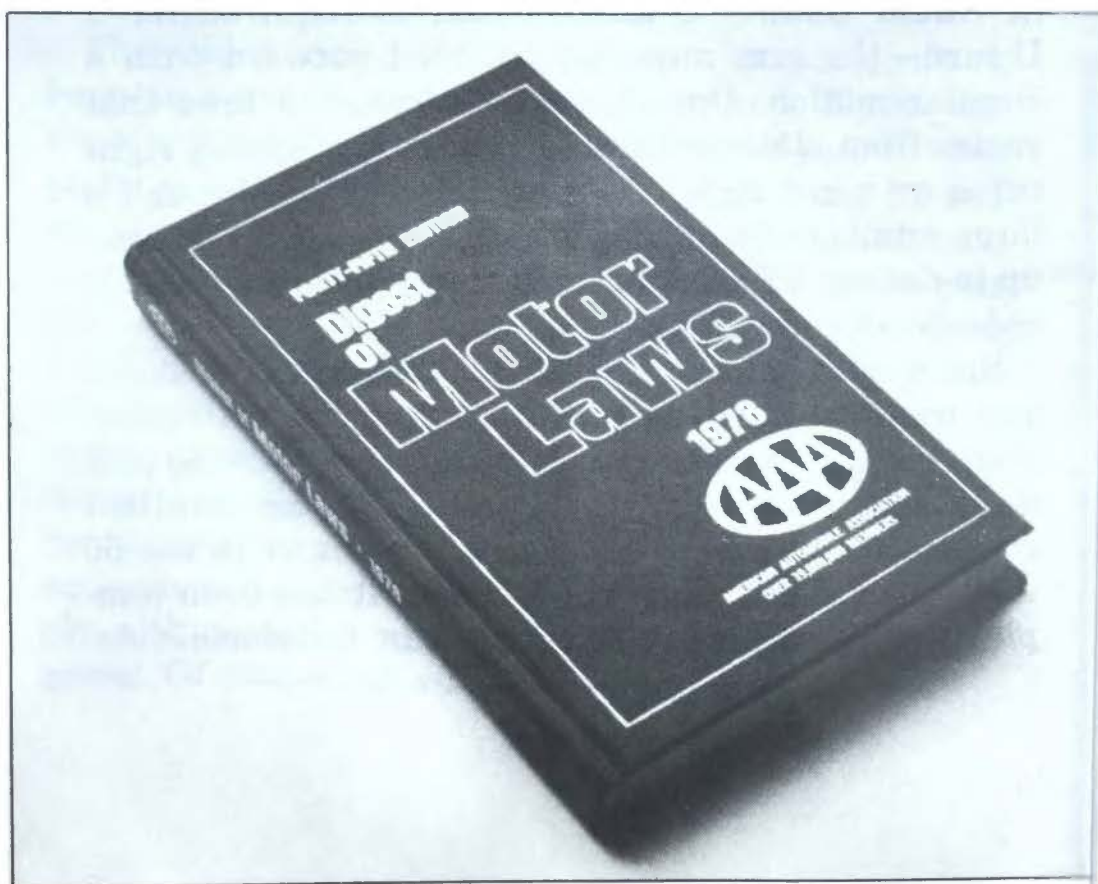
That's right. As an example, in the state of Hawaii in Kauai County a hand signal is required for a U-turn—the arm must be extended outward with a circular motion. One of the most common laws that varies from state to state is the law governing right turns on a red light. For someone driving through a large number of states, it is almost impossible to keep up to date on all of the variations between the vehicle codes of all the different states.

Since collecting all of the vehicle codes of the states you travel through is rather impractical, we recommend that anyone doing a lot of interstate driving pick up a copy of the *Digest of Motor Laws*, an excellent compilation of all of the basic driving laws in the 50 states, U.S. Territories and Canada. It has been compiled and produced by the American Automobile As-

sociation. The book, which currently sells for \$2.00, can be ordered through:

CREDIT AND ORDER DEPARTMENT
AMERICAN AUTOMOBILE ASSOCIATION
8111 GATEHOUSE ROAD
FALLS CHURCH, VA 22024
(703) 222-6543

This book gives the basic traffic rules affecting passenger cars, trailers, motorcycles and licensing and registration laws. It doesn't quote any specific code sections, but presents the basics of the laws in a straightforward, easily understood manner. This book is an excellent investment for anyone on the interstate driving circuit.



WHAT ARE SOME OF THE TYPES OF TICKETS I MIGHT ENCOUNTER?

The most common types of citations received by today's motorists are moving violations, equipment, parking, pedestrian citations, "documentation" citations and tickets in which the use of alcohol is involved. Typically, municipal departments are the ones who issue parking citations, as these are usually covered under municipal codes rather than the state vehicle code.

Of those tickets given by state agencies, approximately 54 percent of all citations were issued for speeding and other moving violations, 9 percent were given for equipment violations, 20 percent for parking, pedestrian, and other miscellaneous citations, 11 percent for registration and other documentation violations, and roughly 5 percent for driving under the influence of alcohol and related charges.

WHAT'S A "MOVING VIOLATION"?

A moving violation is precisely what it sounds like; any violation of the motor vehicle laws that occurs while the vehicle is moving. The most common of these types of violations are violations of the basic speed law or prima facia limit, exceeding the maximum limit, violation of right of way, failing to obey a traffic control device such as a signal light or a stop sign and the various types of illegal turns.

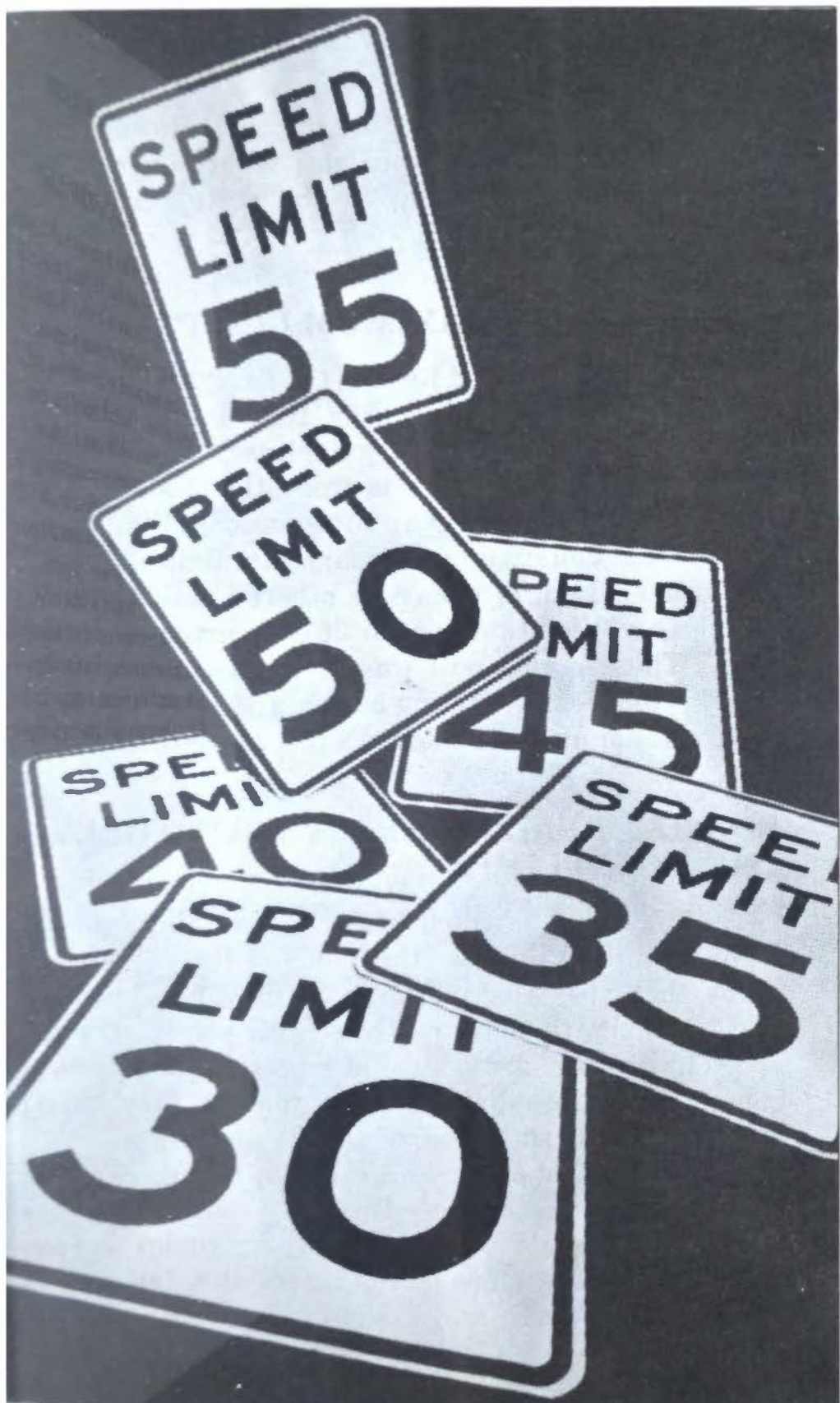
WHAT IS A “BASIC SPEED” LAW?

A basic speed law is the catch-all law of speeding that basically says that it's illegal to drive faster than it's safe to. This law is in effect in most states, as it covers any speeding situation where the limits may not have been posted, or the conditions make a slower speed advisable. One such typical law states, *“No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.”*

It is possible to be given a ticket under the basic speed law for traveling at a speed well below the posted speed limit on that roadway. It is also rather confusing to the motorist who receives a citation for doing 30 MPH in a heavy rain, while traveling through a zone posted at 35 MPH.

WHAT DOES THE “PRIMA FACIA” LIMIT MEAN?

A prima facia limit is the speed limit actually posted on the roadway. The mere fact that you were driving above this posted limit is presumed in court to be an unreasonable and improper speed. In court, it's up to you as a driver to prove that this speed was not unsafe when the condition of the highway (traffic congestion, visibility and the like) are considered. If you can prove that the circumstances justified your speed in excess of the prima facia limit, your speed may not be judged as “unreasonable or improper,” and it is unlikely that



the speeding charge will stand in court. However, the circumstances have no bearing whatsoever if you were charged with violating the state's maximum speed limit.

WHAT IS THE "MAXIMUM LIMIT"?

The maximum speed limit is the fixed limit which it is unlawful to exceed at any time under any circumstances. Under federal guidelines, the maximum speed limit in all 50 states is presently 55 MPH, lower in some U.S. Territories and Possessions. While some states treat violation of the maximum limit similar to any other speeding violation, others consider it as a "Fuel Law Violation" or an "Environmental Infraction." These states will sometimes not record these "Fuel" violations occurring between 55 and 70 MPH so they will not affect a motorist's insurance rates.

DO THEY REALLY EXPECT YOU TO OBEY THE SPEED LIMIT?

That depends on which "they" you're talking about. If you're talking about "they" of the federal government, then yes, Washington in all its wit and wisdom and bureaucratic glory really expects you to obey the speed limit. Only the feds could expect you to believe in something so unrealistic, and fortunately "they" aren't the ones behind the wheel of a black and white.

In reality, most officers allow a 5 to 10 mile per hour margin on the posted speed limits. Of course, there are those "hot pencils" who zealously write up anyone doing 56 MPH or more on the Interstates, but tickets



giving such slim leeway are frowned upon by most judges and are often automatically dismissed in court.

WHAT IS VIOLATION OF RIGHT-OF-WAY?

Right-of-way is defined in most vehicle codes as "the privilege of immediate use of the highway." This means that the person with the right-of-way has the right to proceed on the highway without interference or interruption from other vehicles. This is the ultimate extension of the "rude rule," and right-of-way exists whether you're walking down a sidewalk or flying in a 747.

Violations of right-of-way occur when you fail to yield the right-of-way to emergency vehicles, to cars already in an intersection, to horses in an equestrian crossing, to pedestrians in a crosswalk and the like. Generally, you are also required to yield the right-of-way to other vehicles when making a left turn, when approaching a "Yield" sign, when turning onto a public road from a driveway or other private road and when entering traffic from an alley. Other forms of right-of-way laws cover stopping for school buses, tobogganing across a highway and hitchhiking.

As a rule of thumb, anytime your actions on a highway interfere with another vehicle's use of that highway, by causing them to brake, swerve, or otherwise avoid your vehicle, you have violated their right-of-way.

Violation of right-of-way is one of the leading causes of accidents (responsible for almost 25 percent of all fatal accidents), and is one of the hardest traffic laws to enforce. While the speeder covers a lot of territory

while breaking the law, the violation of right-of-way occurs at one specific location, and then, only for an instant. It is very difficult to ascertain whether or not the violation actually occurred, because many times the pedestrian or driver of the other car may have yielded his right-of-way to you by waving you on or otherwise motioning to you, and this action may have been unobserved by the officer who stops you for the violation. When the other driver has indicated that he is yielding his right-of-way to you, no violation has occurred.

CAN YOU GET A TICKET IF YOU'VE GOT THE GREEN LIGHT?

There are two ways to get a ticket when you've got the green light. The first is by not moving when the light turns green. The law says that when the light turns green, you should proceed; otherwise you're obstructing traffic.

The other way to get a ticket is by entering the intersection when traffic from the cross street is still in it. The law says that you can enter the intersection on the green light only when it is safe to do so, and that you must yield the right-of-way to any vehicles which have already entered. Emergency vehicles have the right-of-way through the intersection no matter what color the signal facing you is.

IS IT LEGAL TO RUN A YELLOW LIGHT?

It is legal to run a yellow light in a vehicle, but not on foot. The yellow light is there simply to caution

motorists that the light is about to turn red. Technically, if any portion of your vehicle (the rubber tip of your bumper guard is good enough) enters the intersection before the light turns red, you have the legal right-of-way through the intersection. However, running yellow lights should be treated with discretion, because there are people who like to flash into the intersection from the other direction the second their light turns green, and this could cause a few misunderstandings between several thousand pounds of hurtling metal.

Generally the yellow light is set to show for 1 second for every 10 miles per hour of the posted speed limit. Thus, a yellow light on a stretch of roadway posted at 55 MPH should last 5.5 seconds. It is usually illegal for a pedestrian to enter or cross the roadway after the light has changed to yellow.

DO YOU ALWAYS HAVE TO STOP FOR A RED LIGHT?

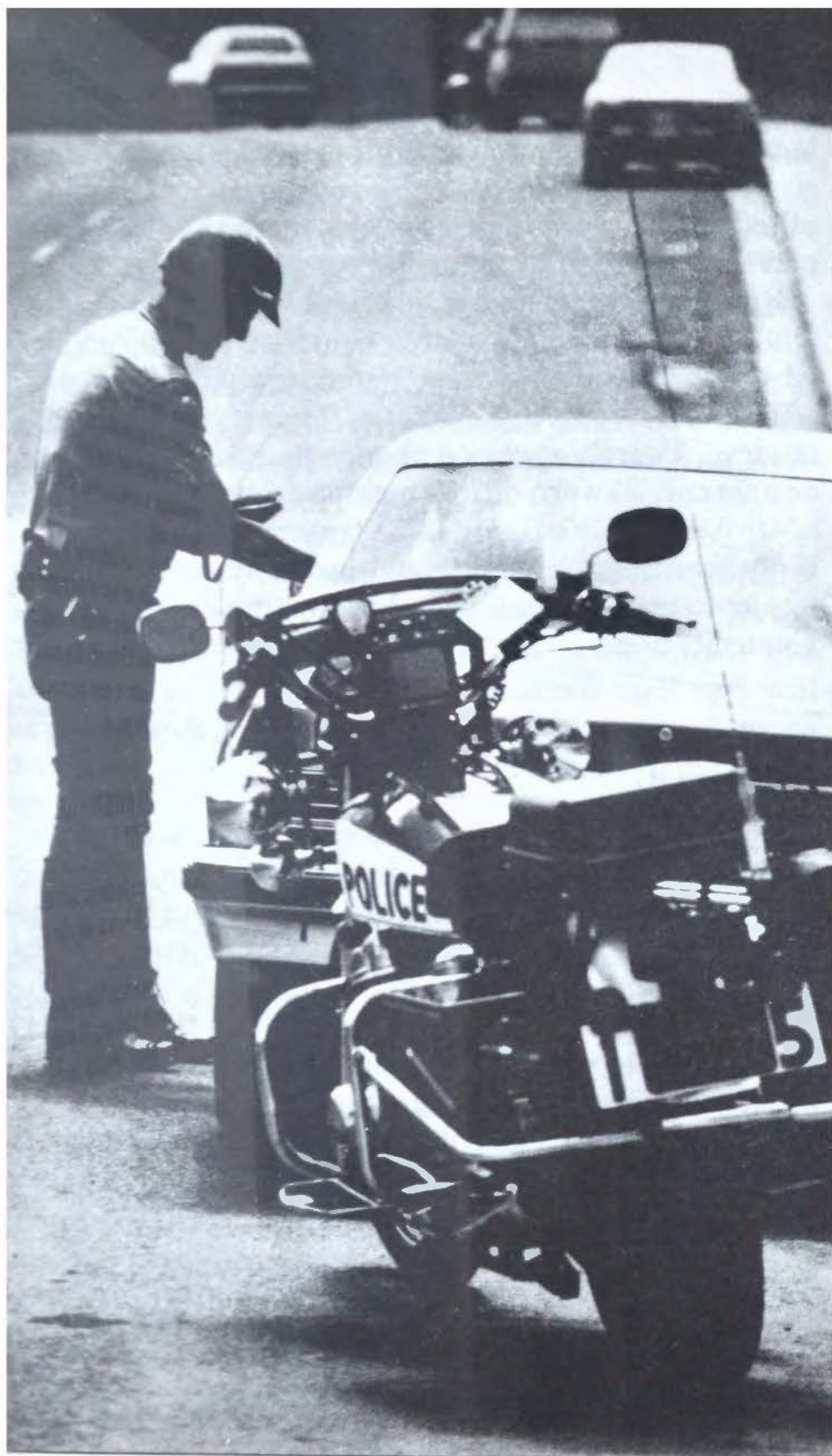
Yes, if you don't stop for the red light in front of you, sooner or later you'll have to stop for the red light that's following you.

Some states allow a right turn on a red light after the vehicle has made a full stop. At some intersections it may even be posted "No stop necessary for right turn."

CAN A METER MAID WRITE ME FOR A MOVING VIOLATION?

Not unless the meter maid is a sworn police officer with full peace officer powers. Most "meter maids" are

Some cops work both parking and moving violations.



civilian employees of the Police Department, and only have the authority to issue citations for violations of city ordinances. They do not have the power to enforce all of the state's vehicle code any more than the other private citizens of the state.

However, the meter maid should not be ignored in traffic. Her Cushman is often equipped with a radio on which she is capable of summoning a patrol car with officer who can give you a ticket for any violations they observe. There's always a chance that for some reason or another, a sworn officer may be assigned to parking control duty. He's likely to be frustrated at this seemingly menial task, and would probably be more than happy to take a break from his parking chores to give you a citation.

IS IT AGAINST THE LAW TO DRIVE WHILE BAREFOOT?

No, that's a common misconception that's just plain nonsense. Although we do know some people whose feet could be classed as a deadly weapon because of the odor, we are unaware of any laws requiring you to wear shoes in the privacy of your own car.

However, enough people believe in this that it's pretty common to see someone climbing into his car at the beach wearing only a bathing suit and shoes, or scrambling wildly to put their shoes on as you pull them over for some other violation.

WHAT'S AN ACCIDENT CITATION?

An accident citation is a ticket written by a traffic

officer for a violation which was the cause of an accident, or to any driver involved in an accident. This citation isn't based on the officer's actual observation of the accident, but rather on the evidence collected at the scene after the accident has occurred. This evidence may be in the form of statements from witnesses, point of impact (like on the wrong side of the road), the position of the vehicles and the skid marks (or lack of them). One particularly damaging piece of evidence is your own statements to the officer at the accident scene.

In some states, a citation will be issued to you right at the time of the accident. In others, a complaint is filed with the City Attorney's Office and a "Notify Warrant" or "Summons" is sent to you by mail. The summons is usually sent by registered mail and will state a time and place for you to appear in court to answer the charges. If you fail to appear, an arrest warrant may be issued.

If you don't get a ticket at the time of your accident, don't take it for granted that you got away, particularly if you confessed to the officer that you "just didn't see that red light." You had better keep a close eye on your mail box for a few days before you do any celebrating.

If you were ever going to hire an attorney for any citation, the accident citation is the one you need to have professional legal guidance on. With the civil suits that can stem from an accident, and the amount of money that can be involved, you shouldn't depend on the advice of friends and your own instincts. There's a lot more at stake here than points against your license.

IF I CAUSE AN ACCIDENT, WILL I GET A TICKET?

The chances are very high that you might be issued a citation if you were clearly the cause of an accident, but citations are not *always* given in every accident. In some cases the cause of the accident may not be an offense under the vehicle code, and a report giving the cause of the accident will be filed with the Department of Motor Vehicles instead of a ticket.

There are other times when the officer simply doesn't have the time, or doesn't feel that it is necessary to issue a citation. Often, accident citations don't count toward an officer's quota and are neglected as a result. When an officer stops your vehicle for a traffic violation, he's already looking for someone to catch, and he has the time to write it without it interfering with his other activities. On the other hand, when he comes to an accident, it's usually because he was summoned to it by the dispatcher. If he has more "important" things he'd like to be doing elsewhere, he may try to clear up the accident with a minimum of hassle and just ignore writing a citation.

CAN THEY WRITE ME A TICKET IF I'M NOT THERE?

Sure they can. Just because you were hauled away in an ambulance is no reason to believe that you will get out of an accident citation. The officer may even follow you to the hospital, have you sign the ticket while you're waiting for treatment and stuff the citation into your shirt pocket. It doesn't matter to the officer that you've been injured. He's seen lots of in-

jured persons before and it doesn't bother him at all.

If you're not there at the accident scene by choice, you may be in a lot bigger trouble than the accident citation could ever give you. Most states make it a misdemeanor to leave the scene of an accident (it's called "Hit and Run"), and it's a felony if anyone was seriously injured or killed.

WHAT'S AN EQUIPMENT VIOLATION?

An equipment violation is a citation or warning issued to you because of some part of your car being broken, inoperative or simply not meeting the legal requirements established in the vehicle code. Equip-

Some equipment violations are more obvious than others.



ment violations include a noisy exhaust, bald tires, burnt-out lights, overly wide tires, inoperative horns, old windshield wipers and broken windows. Just about anything you do to your car from hanging a garter band on your mirror to putting decals on your windows are regulated by the state's laws, and fall under the general category of equipment violations.

DO EQUIPMENT VIOLATIONS COUNT?

That depends on the type of citation or warning which is issued to you. Many states make a provision for handling equipment violations by having special warning forms. If the equipment isn't corrected within a specified period of time, a citation may be issued, but if you fix whatever is wrong with your vehicle and



have it certified by a police officer, the warning won't count against you or even show up on your record.

However, if the equipment violation is written up on the agency's normal citation form, and if you are required to go to court, the violation will appear on your record. If the equipment has been corrected, usually the court will give you a suspended sentence if no similar violations appear on your record.

CAN THEY GIVE ME A TICKET FOR A CAR I DON'T OWN ANYMORE?

You may receive a citation for an equipment violation on a vehicle which you no longer own, but it is easily dismissed if you have properly transferred the title of the car and have proof. As long as you are the registered owner of a car, you remain responsible for keeping it in proper condition. In court, it's entirely up to you to prove that you are no longer the owner of the vehicle which was cited. Selling the car *after* you get the ticket won't help you at all. After the judge listens to your sad story and gives you a stiff fine anyway, you may have wished you had kept the car.

WHAT'S A PARKING VIOLATION?

First, it's necessary to understand the legal definition of parking. Parking is defined as "*the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.*" A parking violation occurs any time that a vehicle is parked in an illegal place or manner, or is parked at an illegal time.

NO PARKING

1^{TO} 3 AM

TUE. ONLY

STREET SWEEPING

2 HOUR
PARKING

8AM-6PM

EXCEPT SUNDAY

Parking citations cover such things as abandoned vehicles, double parking, loading zones, curbs and crosswalks, and Fire Station driveways. Typically, a parking citation is issued when you are not in the vehicle. The ticket is issued to the owner of the vehicle, and is written, filed, processed and recorded on the basis of the license plate rather than your driver's license.

If you're parked illegally, and are still in the vehicle, usually a normal traffic citation requiring your signature is issued.

WHAT IF I WASN'T DRIVING THE CAR?

This is the excuse used by almost everybody who appears in court on parking charges, and it just doesn't work. Most states hold the registered owner of the vehicle responsible for the correct parking of the vehicle, regardless of who was driving. The only way to prove that you were not the driver of the vehicle is to show that the vehicle was rented, leased or sold to someone else at the time of the violation.

The judge may consider other valid, provable excuses which would show you were somewhere else at the time of the violation. If you were overseas with the army, on the operating table or serving time in San Quentin at the time the parking ticket was issued, you may stand a chance of having the ticket dismissed.

DO PARKING VIOLATIONS APPEAR ON MY DRIVING RECORD?

No, because they are charged against the registered

Some signs have to be read twice before they make sense.

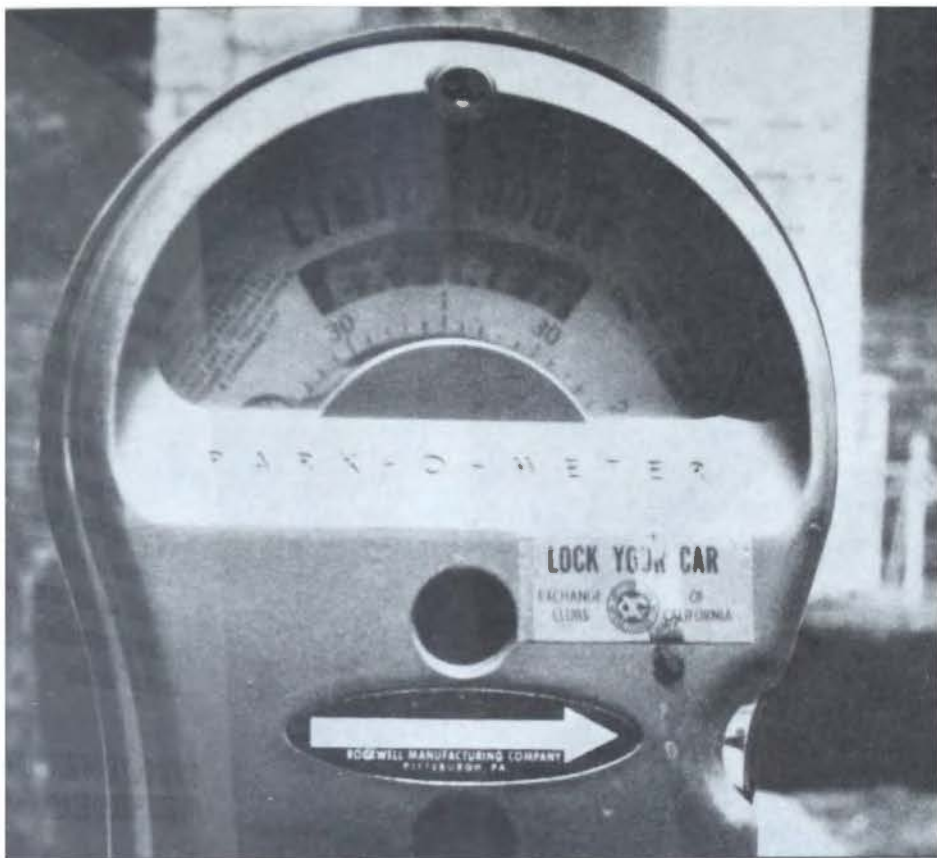
owner of the vehicle through the license plate rather than through your driver's license. If you fail to appear on the parking ticket, or just ignore the citation and don't pay, this will appear on your record. In fact, failure to appear or pay the fine on a parking ticket may result in a warrant being issued.

One unfortunate person was arrested recently with over 930 parking citations which he had never appeared on. He wasn't guilty of any of them; he just had a personalized license plate that read "NONE," which is what the parking control officer writes on all tickets for cars without license plates.

HOW DO THEY KNOW HOW LONG I'VE BEEN PARKED HERE?

There are two schools of thought in marking cars for timed parking. One is the obvious method, designed to show you that your car has been checked and intended to make you move it. This usually consists of a broad slash of chalk or grease-pencil across the sidewall of your tire. The other method of marking cars is designed to catch the motorist.

To catch motorists, the parking regulation officer usually marks across the tread of the tire with a grease-pencil or one of the new air guns which blow chalk dust, or may simply put a pebble or piece of gravel on the top of one of the tires. Another method used is to write down the license numbers of all the cars on that particular block. When the officer returns at the end of the legal time limit, it's easy to spot the vehicles which were there on his first pass.



Of course, parking control people aren't dumb, and are quite capable of remembering any car with an unusual appearance.

HOW DO THEY KNOW IF I'M LOADING IN A LOADING ZONE?

Usually it's the owner of the store you're parked in front of that tells the local police you're not loading. If your car is left in the loading zone for more than 5 or 10 minutes, and doesn't have commercial plates or other indications that it's being used for commercial reasons, you're likely to get a ticket. Many loading zone regulations fall under city or county ordinances, and are subject to wide variation from region to region.



HOW DO THEY KNOW I'M NOT HANDICAPPED?

Usually, it's your license plates that give you away on this one. Handicapped persons and disabled veterans in most states are issued special series license plates which identify them as such. Often times they also display the blue and white "H" decal, or a little stick man in a wheelchair that are recognized as handicapped symbols. Persons who have lost the use of a limb frequently equip their cars with special equipment which allow them to operate the vehicle safely, and this is readily apparent to the officer as he looks over your car in the "Handicapped Only" parking space. If your car is a Porsche, and you accidentally left your tennis racquet in the car, you may have some explaining to do in court.

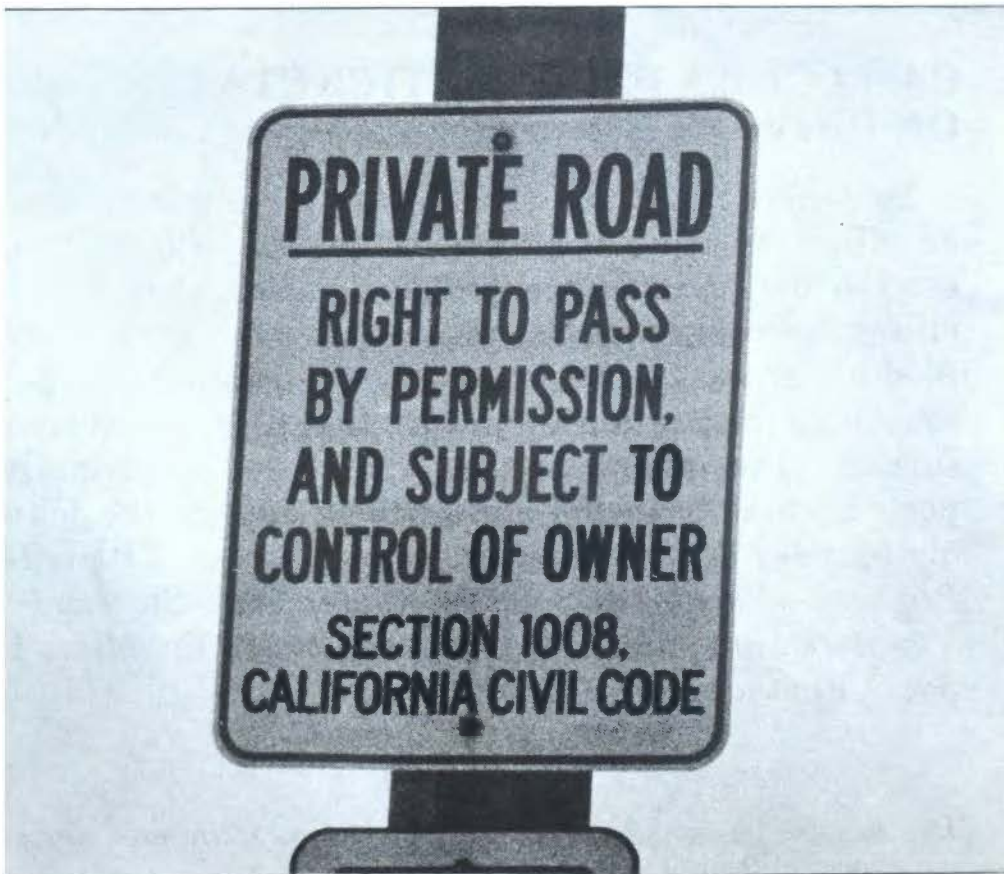
CAN I GET A PARKING TICKET ON PRIVATE PROPERTY?

Yes, there are usually local ordinances which allow an officer to issue a citation on private property, or even to tow an unauthorized vehicle away. Usually the officer will only take action if a complaint has been filed by the owner of the property, and often the owner must sign the citation along with the officer. Most laws further state that the property must be properly posted, along with the authority to enforce the local ordinance. A typical sign might read, "*Private Property—Parking for customers of Smith's Store only. Violators' cars may be cited or impounded. Per Municipal Ordinance 1234-5.*"

Handicapped persons have special permits and often have special equipment in their vehicles.

Some owners of private property take it upon themselves to punish offenders. In some cases, a large notice is pasted across the windshield notifying the driver that he is parked on private property, requiring him to scrape off sticky adhesive before he can leave. Another tactic is the use of a vehicle "immobilizer." This is a large, locking device that looks somewhat like a giant waffle iron. It clamps down over one of the wheels and prevents the wheel from turning. Usually you have to pay \$5 or \$10 to have someone come out from the business and unlock your car.

Private property is usually well marked.





If your car isn't "authorized," it might not be there when you get back.

WHAT'S PRIVATE PROPERTY?

Private property is simply any piece of land owned by an individual or a company rather than the state. Many private roads, driveways and parking lots are classified as private property. Only a few of the laws governing motor vehicles (specifically reckless driving, noise abatement and the like) apply on private property. It's perfectly legal for an unlicensed driver to cruise on his own driveway, or to run stop signs in his own backyard.

WHY DID THEY TAKE MY CAR?

Usually, cars are towed away and impounded when they are thought to be abandoned or stolen, when they are creating a hazard or an obstruction to other traffic, when it is found blocking a driveway or a fire hydrant, when the driver of the vehicle is injured or sick to the point that he cannot provide for the car's removal from the highway, or when the driver of the vehicle is arrested.

If you park your car in a "Tow-away" zone, you shouldn't be terribly surprised when it is towed away.

WHERE DID THEY TAKE MY CAR?

Vehicles which were abandoned, disabled or found blocking a highway may either be removed to a safe place down the highway, or towed away and stored. The vehicle may be stored at a private towing firm's impound lot, or at an official police garage which is actually run by a law enforcement agency.

If you were unconscious at the time your car was removed, check your pockets, often times the towing receipt or claim check may have been stuffed into your clothing by the officer. If you can't locate your car near the location you left it, call the local police department. They should be able to provide you with complete information on what happened to your car, and where it went. If they don't have any information on your car, then you're already talking to the right people to report a stolen auto.

HOW CAN I GET MY CAR BACK?

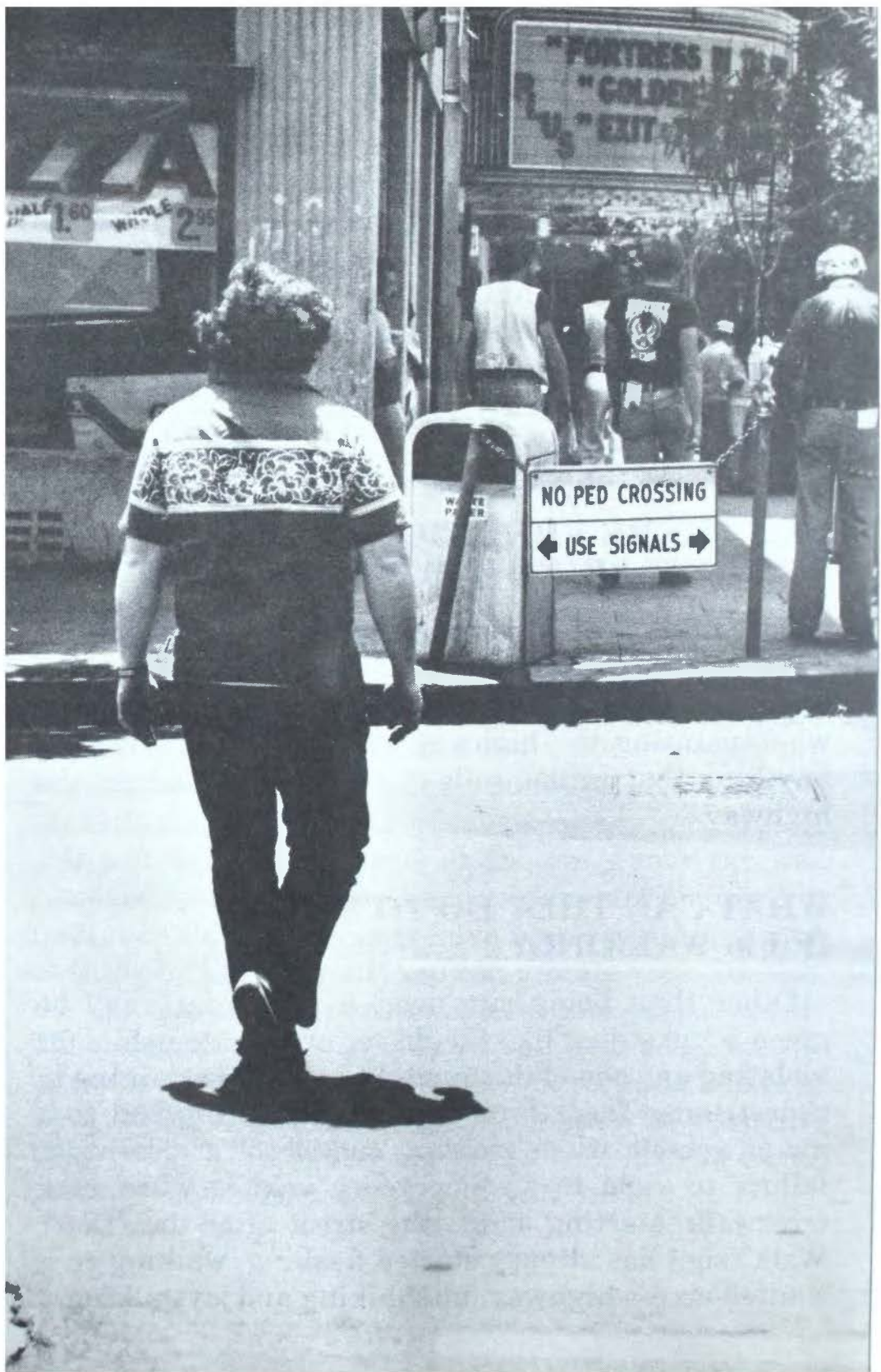
Once you locate your car, it's usually only a matter of money. You will probably be charged for the towing plus the mileage, and a daily charge for storage on the car. Even if you catch the tow-truck before he pulls away, you may still have to pay a "hook-up" charge to pay for him coming out to your location. In some cases, you will have to have a signed release from the local law enforcement agency before they will allow you to reclaim your car.

ARE THERE VIOLATIONS I CAN GET WITHOUT BEING IN A MOTOR VEHICLE?

Sure, the vehicle code covers every facet of the use of the highways, including what you can and cannot build next to the highway, what colors can be used when painting the highway and curbs, and covering anything that walks, rolls or crawls on or across the highway.

WHAT CAN THEY DO TO ME IF I'M WALKING?

Other than being run over, a pedestrian may be given a ticket just like the driver of an automobile for violating any one of the hundreds of laws pertaining to pedestrians. These laws include failure to yield to a motor vehicle when crossing outside of a crosswalk, failure to yield to an emergency vehicle when in a crosswalk, starting across the street after the "Don't Walk" sign has already started flashing, walking on a limited-access highway, hitchhiking and jaywalking.



WHAT IS "JAYWALKING"?

Jaywalking is usually defined as a pedestrian crossing a roadway, outside of a crosswalk, and between two intersections which are both controlled by signal lights. Local ordinances may prohibit pedestrians from crossing *any* roadway except at a crosswalk. Crosswalks may either be the plainly marked, painted lines across the asphalt we all think of, or simply an imaginary extension of the sidewalks through an intersection. Thus, in a legal sense, there are crosswalks at almost every intersection whether they are marked or not.

CAN THEY GIVE ME A TICKET ON MY SKATEBOARD?

Very definitely. Since the rise in popularity of skateboards, laws forbidding the use of "wheeled toys" on streets and sidewalks have been enacted in many states. Also, depending on your state's definition of a vehicle, you may receive a citation for speeding, or for failing to obey traffic signals or stop signs. Most of these skateboard laws are municipal or county laws. "No Skateboards" signs are often posted on private property such as shopping malls. While you won't get a ticket for riding your skateboard on property posted like this, you can get thrown off the property by the security guards.

CAN THEY GIVE ME A TICKET ON MY BICYCLE?

Yes, in many states bicycles must be licensed (usu-

You can even get a ticket for walking.

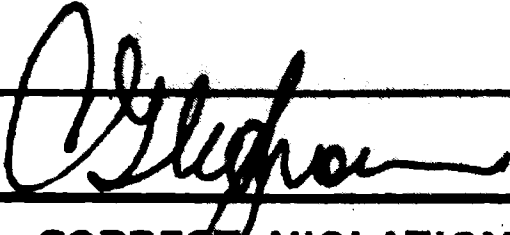
ally through a municipal agency) and are required to obey all of the applicable vehicle code laws that the driver of a motor vehicle would be required to follow. Surprised cyclists have been given tickets for speeding (they can be clocked on radar) and for riding through red lights and stop signs. In most states, it is illegal for anyone to ride a bicycle on a sidewalk.

OKAY, HOW ABOUT A HORSE?

You can get a citation on a horse, too. Often city ordinances will specify places (business districts in particular) where riding a horse is prohibited. You can also be cited on the highway under state vehicle laws if your horse obstructs traffic or causes an accident. You may also get a citation under your state's litter laws if nature follows its course and you are responsible for *"dumping or depositing noisome, nauseous or offensive matter of any kind upon a highway."* Isn't it amazing that the government regulates horse manure.

WHAT IS A "DOCUMENT CITATION"?

Document citations are given to motorists who are not carrying their licenses or registrations, or are unable to show that they have insurance, or a valid license or registration. These citations are often dismissed, or the sentences are suspended when the necessary documents are produced in court, and the dates show that they were valid at the time the citation was issued.

NB 7-805 6/05 CHA	
VIOLATION(S)	
12815 VC - MUTILATED DRIVER LICENSE (TORN & NUMBERS OBLITERATED)	
<div style="display: flex; justify-content: space-between;"> <div>  </div> <div> <input type="checkbox"/> Y 5 </div> </div>	
OFFICER	
CORRECT VIOLATION(S) IMMEDIATE	

Typical example of a "document citation."

IS IT AGAINST THE LAW TO DRIVE WITHOUT INSURANCE?

At least 11 states to date have compulsory insurance laws, laws requiring you to have insurance. Several other states are now considering it. The bureaucracy required to support an effective compulsory insurance system is huge, and few states can afford to maintain one. As a result, most of the compulsory insurance laws are ineffective, with large numbers of uninsured motorists still operating on the highway.

Operating a vehicle without insurance in the compulsory states is illegal, in non-compulsory states it's

merely foolish. Because of the number of vehicles and motorists involved, compulsory insurance is largely unenforceable; people can buy insurance policies, and then cancel them the day after they get their registration. With the potential for lawsuits in automobile accidents, insurance is almost the only way to protect yourself against liability.

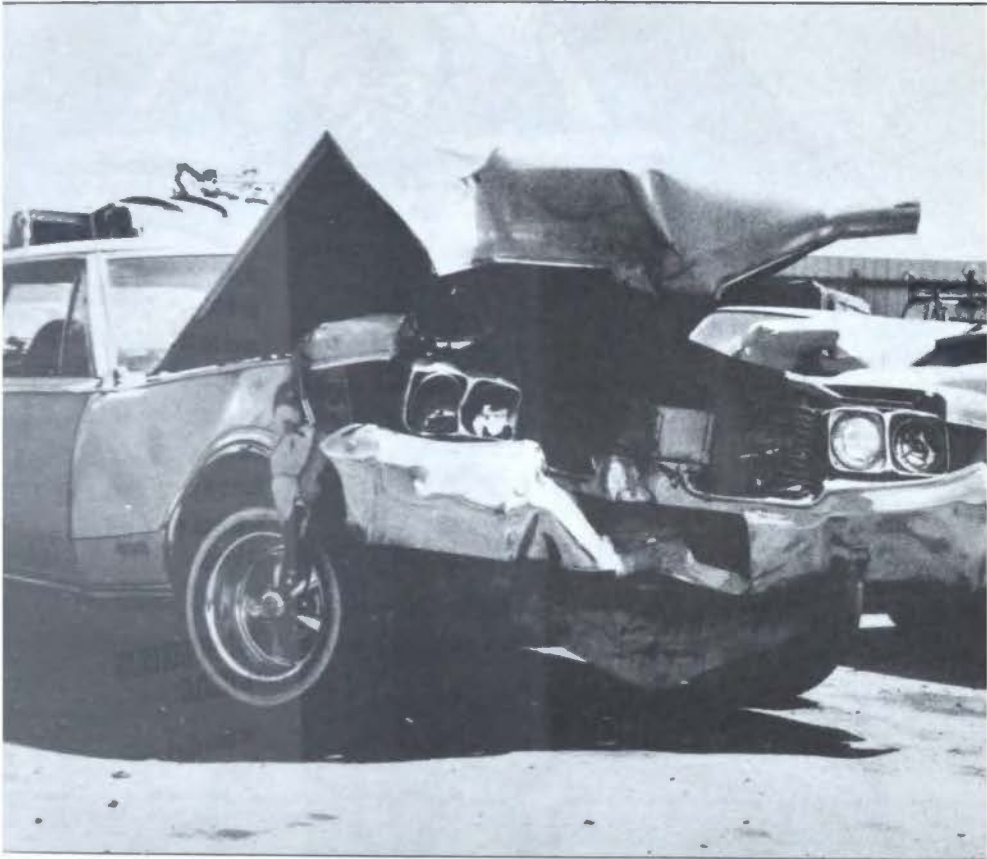
HOW DOES THE OFFICER KNOW IF I DON'T HAVE INSURANCE?

Usually, he doesn't have any idea at all whether or not you have insurance. Some compulsory states require the motorist to carry an insurance identification card with them, and to display a decal on the car. These are still ineffective, because they don't show whether or not the insurance policy is still valid and maintained. The officer may not be all that interested in whether or not you have insurance. He isn't the one who may be sued, or the one who's trying to make a claim for repairs.

CAN A PASSENGER DRINK IN MY VEHICLE?

Some states do allow the drinking of alcoholic beverages in a motor vehicle, but these laws vary widely. Other states totally forbid the presence of an open container of alcohol within the vehicle, but may allow it within the living section of a motorhome or camper (check your local laws, sometimes riding in the living section of a trailer may be illegal). Even when legal,

drinking in a vehicle is never a good idea. The opportunity and peer pressure is on the driver to drink along with the passengers, and all 50 states have laws against driving under the influence of alcohol.

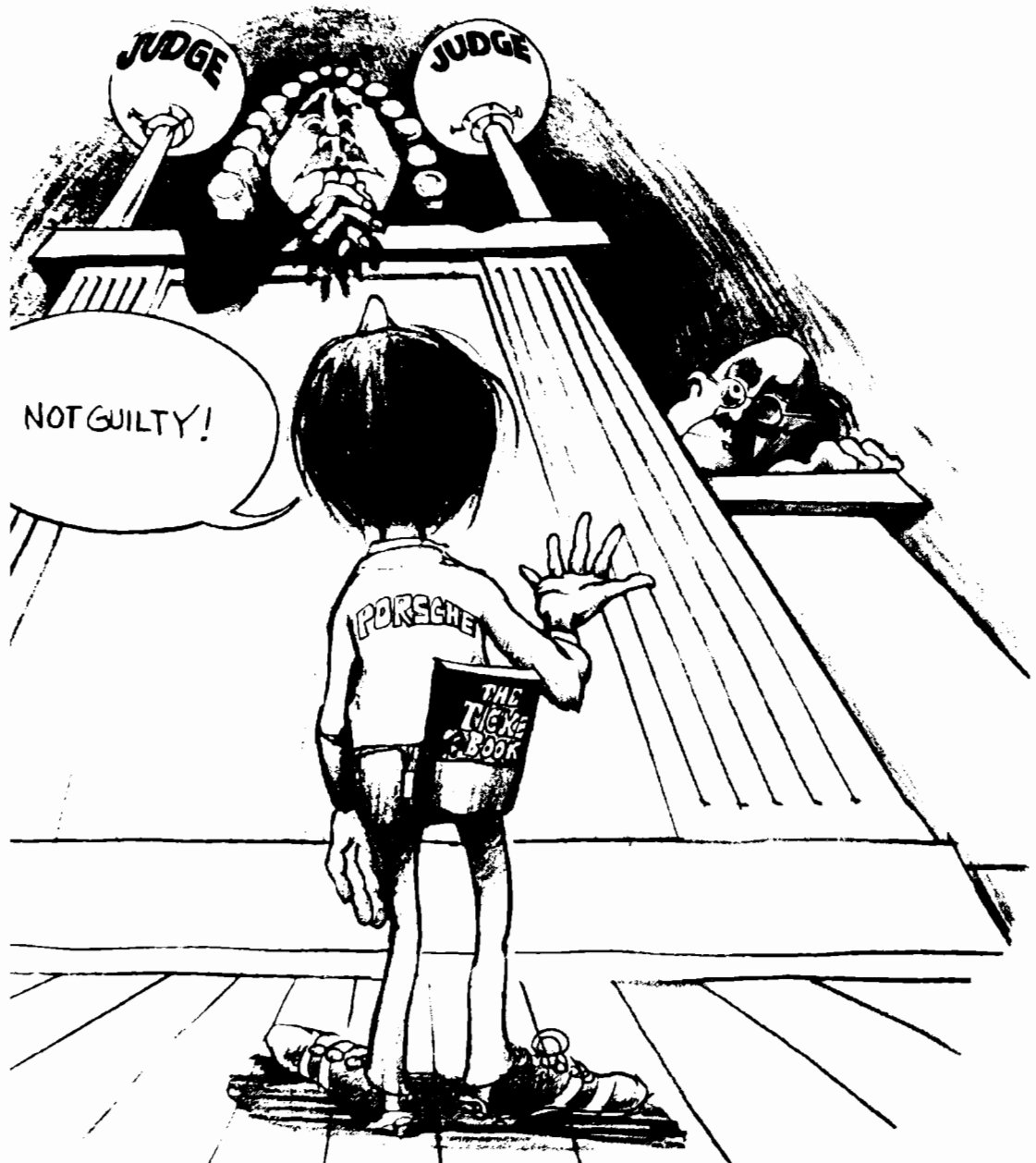


WHAT ABOUT DRINKING AND DRIVING?

Don't.

THE SYSTEM

A brief introduction to the way things work.



WHAT ARE TRAFFIC LAWS?

Traffic laws are the rules and regulations enacted by the governing bodies of the states to provide an orderly, safe and efficient system of motor vehicle travel while preventing behavior that may result in personal injury, property damage or death.

Driving is not a right; it is a privilege given by the state to the individual who can meet the licensing standards that have been established by that state. Anyone who is found violating the laws of the state is subject to imprisonment or fine, or in the case of driving offenses may have his license suspended or revoked. When a police officer apprehends you in the commission of one of these crimes, he can either arrest you and take you before the first available judge, or he can release you by issuing a citation.

WHAT'S A CITATION?

A traffic citation is not an award they give for good driving techniques, but is a written notification by a law enforcement officer that 1) You broke a traffic law, and 2) You got caught while doing it. The citation advises you of the specific law you were charged with violating, and gives you the time and place that you have to appear to answer those charges. The citation also requires your signature as a "promise to appear" before the officer can release you. Otherwise he has to take you before the first available judge. The citation is also the official record which serves as a formal complaint to the court.

WHAT IS A SUBPOENA?

A subpoena is a document which orders a particular person or object to appear in court at the time and date specified on the document. Subpoenas are usually requested by one of the parties in a trial proceeding, and are issued by order of the court.

HOW IS A SUBPOENA USED?

A defendant in a criminal case is entitled to have witnesses present at the trial to testify in his behalf, and to be confronted by all of the evidence which was used against him. If you feel that the witnesses or articles you wish to have at your trial will not appear voluntarily, you may need a subpoena to ensure that they will be there. To do so, you need only provide the clerk of the court with the names, addresses and phone numbers of the witnesses and the descriptions and locations of the objects at least one week prior to your trial. The expense of issuing and serving (delivering) the subpoenas is assumed by the court and doesn't cost you anything.

However, the court will insist that your requests be reasonable in nature and relevant to the case. You can't subpoena the President of the United States to question him about the 55 mile per hour limit, but you probably could subpoena him if he actually witnessed your alleged violation. Likewise, it would be unreasonable to subpoena the patrol car that was used to apprehend you and expect it to show up in court. However it would be perfectly reasonable to subpoena the certificate of calibration for the car's speedometer, or the unit's portable radar equipment. Any witnesses to

the violation, or technical experts to testify about the equipment used by either you or the officer, and any documents or training records that affect you or the officer are fair game for being subpoenaed.

WHAT IF I DON'T APPEAR ON A SUBPOENA?

A subpoena is an *order*, not a request from the court. If you don't show up on a subpoena, the court may find you "in contempt of court" and issue a "bench warrant" for your arrest. In some cases, a Deputy Sheriff or Marshal may be dispatched to your home or business to find you and bring you immediately to court.

WHAT IS A TRAFFIC WARRANT?

A warrant is a written order of the court, directed to a police officer, which demands that the person named on the warrant be brought before the court. Warrants are usually issued by the court when a person fails to appear as promised on a citation, or fails to appear as ordered on a subpoena or summons. A person arrested on the authority of a warrant must be immediately brought before a judge, where he will have the opportunity to answer both the original charges, and the new charges of failure to appear.

Warrants cost the court money to process and execute. If you fail to appear and a warrant is issued, even though you later came to court voluntarily without being arrested, you may be required to pay a fine to cover the expense of the warrant. This can range from \$45 to \$75 in most states, and is in addition to the fine you have to pay for the original violation.

DO THEY ACTUALLY COME TO YOUR HOUSE AND ARREST YOU?

They may. Often, for minor traffic violations, no direct action will be taken. However, the traffic warrant is entered as "outstanding" on your driving record. Anytime an officer runs your license through a computer check, the computer is going to light up and tell him about the warrant. If you have an outstanding warrant for failure to appear, don't be surprised if you get arrested the next time you are stopped by a traffic officer.

For major violations, and sometimes for minor ones as well, the marshals may actually appear at your house to take you into custody. Often times, the marshal's raids are conducted in the early morning hours to catch you while you're sleeping. In some states, this is prohibited as certain types of traffic warrants can only be executed during daylight hours.

HOW DO I KNOW WHEN AND WHERE TO APPEAR?

The time, date and location of your court appearance are usually specified on the bottom of the citation form. In addition, the officer will usually tell you to make sure that there is no question about when and where you are to appear. Usually, you can appear for arraignment *before* the specified date if you wish.

☐ OFFENSE IS NOT COMMITTED IN MY PRESENCE CERTIFIED ON INFORMATION AND BELIEF.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THE DATE SHOWN ABOVE AT PLACE

SAN DIEGO CITY CO. CALIF.
ISSUING OFFICER LD. VAC. DATES

Glynn 5747
NAME OF ARRESTING OFFICER (DIFFERENT FROM ABOVE) LD. TO: PERM. AREA

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE
CHECKED BELOW

☒ SIGNATURE [Signature]

☒ MUNICIPAL COURT ADDRESS: SAN DIEGO
9950 CLAIREMONT MEIA BLVD.

☐ JUSTICE COURT ☐ JUVENILE ☐ TO BE NOTIFIED

☒ ON THE 19 DAY OF MAY 19 78 AT 845 M. ☐ WITHIN 15 DAYS

☒ OR YOU MAY APPEAR AT 530/0 P.M. ON 5-18-78

TO ANSWER CHARGES OF VIOLATION (S) DESCRIBED ABOVE.

FORM APPROVED BY JUDICIAL COUNCIL OF CALIFORNIA 8-6-76 V.C. 40513 (B) P.C. 853.9
CHP 218 REV. 8/76

Usually the time and date of your appearance are clearly indicated on the front of the citation.

WHAT'S AN ARRAIGNMENT?

The arraignment is your first appearance in court on your traffic offense. You will not be asked to present your defense or produce any witnesses at an arraignment, but only to make your "plea" to the court. When you appear at the arraignment, the judge will call your name, read off the charges against you and ask how you plead to each offense. The acceptable pleas are Guilty, Guilty with an Explanation, Not Guilty and Nolo Contendere (or No Contest).

A trial is a separate procedure which follows the arraignment if you plead "Not Guilty." In some states,

however, the trial may follow immediately after the arraignment. In fact, the judge may simply tell you what you're charged with and ask you for your side of the story, without even asking your plea. Suddenly you may find yourself presenting your side of the case, before the prosecution's and be almost totally unprepared. This is completely wrong, you have the right to a reasonable amount of time to prepare your case, and proper legal procedure calls for the state to present its case against you first.

An alternative to the arraignment is to pay the bail. Often, the amount of bail is specified on the citation, or may be sent to you in the mail as a separate bail notice. Most minor traffic offenses are bailable and you can merely send the bail money to the court instead of actually appearing. Bail is then "forfeited" at the time of your trial and the offense is recorded on your record the same as if you had plead guilty and paid a fine.

SHOULD I BRING MONEY?

Yes, you should definitely bring enough money to cover any amount that you may be fined. You can check with the clerk of the court in advance to find out what this amount is. If you are found guilty, you must be prepared to pay the full amount of the fine. The judge may not allow you to leave the building without doing so, and you may have to resort to calling a rich friend or a bail bond company before you can be released.

Even if you plead "Not Guilty," you will need to bring money. The court will require you to post a bond equal to the amount of the fine to ensure that you will

return for your trial. The bond will be returned to you if you are acquitted at your trial, or if you are found guilty the bond will be used to pay your fine.

CAN I JUST GO TO JAIL INSTEAD OF PAYING?

Yes, the bail money you pay is used instead of a jail term. If you don't pay the bail, a sentence is your only alternative. Sentences are not always in the county "clink," however. Some judges sentence people to a certain amount of unpaid, volunteer service in an emergency room, or on the crew of an ambulance or wrecker where they can see the results of auto accidents.

DO THEY TAKE CHECKS, MONEY ORDERS OR CREDIT CARDS?

The vast majority of courts will accept checks from state residents when the bank is also located in that state. Most courts will also accept money orders that are made out with the name of that court. Twenty-seven states currently accept automobile club membership cards of various kinds. The courts bill the club for the amount of bail, and if it is forfeited you are required to pay the club back before your membership card is returned.

No matter how you pay, always be sure to get a receipt for the amount so that you can prove you have paid at a later date.

Member Signature

• PRESENT MEMBERSHIP CARD •

Non-Transferable

at any office of the Automobile Club of Southern California or of the  for Club services.


EMERGENCY ROAD SERVICE

See Southern California telephone directories under "Automobile Club of Southern California"; elsewhere see "AAA."

\$5,000 BAIL BOND CERTIFICATE

The member whose signature appears on this card is entitled to be bonded by National Surety Corporation. Presentation of this Certificate is authority to any agent of the Corporation to execute bail bond, not in excess of \$5,000 for any violation of a motor vehicle law or ordinance committed prior to the expiration date shown on the card, except violations arising from use or possession of intoxicating liquors, drugs or narcotics. For bond service call local AAA or (213) 748-4100.

GUARANTEED ARREST BOND CERTIFICATE (Not Valid in California)

National Surety Corporation guarantees the appearance of the member whose signature appears on this Certificate in any court in the United States where acceptable, when arrested for any violation of a motor vehicle law or ordinance committed prior to the expiration date shown on the card, except violations arising from use or possession of intoxicating liquors, drugs or narcotics. In the event said member fails to appear in court at the time of trial, the payment of any fine or forfeiture not in excess of \$200 is hereby guaranteed. This is not an appeal bond. All authorities are authorized to accept this Certificate in lieu of cash bail. The member hereby agrees to notify his  Club at once if this card is used, and agrees to reimburse the Club or National Surety Corporation for any losses they may sustain by reason of posting this Certificate for bond. This Certificate is valid except where prohibited by the laws of the jurisdiction in which the violation is charged.

National Surety Corporation, *Myra De Bano* President

The Automobile Club of Southern California owns this card and is entitled to possession upon demand.

Cards held by traffic court should be returned to P.O. Box 2890, Los Angeles, California 90051.

Many automobile clubs and associations provide members with these "credit cards" which guarantee the member's bail.

WHAT'S A CONTINUANCE?

Following your arraignment, you have a constitutional right to a speedy trial. (This doesn't mean that your trial is going to be a "quickie" but only that the trial date should be scheduled soon, usually within 30 to 45 days.) If you ask for a continuance, you waive the right (kiss it good-bye) to a speedy trial and ask that you be given a longer period of time before appearing. You'll be asked to provide a reasonable explanation for asking for the continuance, such as a witness cannot appear on that date, serious personal or business con-

flicts and the like. A continuance is only a postponement of the trial proceedings.

A continuance can often be to your advantage. By extending the period of time between your violation and the actual trial, you increase the chances of the officer not being available (he may resign or transfer, or just go on vacation), his memory of the incident fading, and of the evidence being misplaced or lost.

The prosecutor may also ask for a continuance, to give him time to prepare his case or summon his witnesses. This cannot be granted beyond the period within which you are guaranteed a speedy trial unless you waive your rights. An officer failing to show up in response to a subpoena is not a good legal cause for delay of your trial, and often a judge will merely dismiss the case rather than grant a continuance.

SHOULD I ASK FOR A CONTINUANCE?

If you need more time to consider the charges against you, to construct a defense or to hire an attorney, you should definitely ask for a continuance. If you need even more time, you can ask for a further continuance, and multiple continuances are often granted. If you go beyond 3 continuances, the judge begins to suspect you are merely stalling for time and a further continuance may not be granted. Asking for a continuance is very unlikely to hurt your case in any way, and is often of benefit.

WHAT IF AFTER THE ARRAIGNMENT, I DON'T APPEAR IN COURT FOR MY TRIAL?

If you were released from arraignment after paying an appearance bond, there is no big problem. You merely forfeit the bail, and the case is recorded as a conviction against you. If, however, you were released on your "Own Recognizance" (also called O.R., a personal guarantee on your oath that you will appear) then you could be in trouble. The judge may issue a bench warrant for your arrest, and hold you in contempt of court.

CAN I CALL THE COURT TO MAKE EXCUSES?

Many courts will accept a telephone request for a continuance or postponement if the offense is "bailable" and your reason is valid and constitutes an emergency for you. If you suddenly became ill, or were called out of town, you may telephone the clerk of the court you are scheduled to appear in and ask that your arraignment be postponed. If it is granted, be sure and get the name and title of the person you were talking to. Immediately follow up your telephone conversation with a registered letter making reference to the telephone call, and describing the reason for your postponement and your understanding of the new trial date.

If you cannot appear in person, you can often plead "Not Guilty" by mail. The specific procedure is usually printed on the back side of your copy of the citation.

Your letter should state that you waive the right to a formal arraignment and respectfully request that the court accept your plea. You should specify the trial date on which you wish to appear (make it within the "speedy trial" time limit [45 days] and don't waive your right to a speedy trial), specify whether you want a court or jury trial, and ask that you be released until the time of trial on your own recognizance. Most judges will accept this, although many states require that you post a \$25 appearance bond in the meantime. You will generally be notified by mail if there are any further forms that have to be completed, or any other problems with your request.

You can also appear by proxy, having your attorney appear at the arraignment to plead on your behalf.

HOW CAN I TAKE CARE OF THE CITATION WITHOUT GOING TO COURT?

If the offense is a bailable offense, the court will inform you what the ticket will cost. You can then mail in a check or money order for the bail amount, and never appear in court at all. In fact, this is what the courts would generally prefer you to do, as it is the easiest way to process your citation through the system while keeping all the expenses to a minimum. Of course, by forfeiting the bail money, your case is treated the same as if you had pleaded guilty to the charge.

WHAT IS A "PLEADING"?

The pleading is just another term for the arraignment,

COURTESY NOTICE

IF ALREADY PAID, PLEASE DISREGARD THIS NOTICE

VIOLATIONS	
CASE NUMBER	0097-031
CONTROL DATE	07-14-78
CITATION DATE	07-14-78
APPEARANCE DATE	07-14-78

ON THE CITATION DATE ABOVE YOU AGREED TO BE IN COURT ON THE APPEARANCE DATE ABOVE UNLESS OTHERWISE INDICATED BELOW. YOU MAY SETTLE THIS CASE BY POSTING BAIL AS INDICATED BELOW BEFORE THE APPEARANCE DATE.

BAIL AMOUNT

PLEASE RETURN THIS NOTICE
WITH YOUR PAYMENT IN THE
ATTACHED ENVELOPE

DO NOT SEND CASH.
MAKE CHECK OR MONEY ORDER
PAYABLE TO:

CLERK OF:
MUNICIPAL COURT
P.O. BOX 31287
SAN DIEGO, CA 92136

Many courts send out "Courtesy Notices" before your arraignment to make it easy for the driver to plead guilty and pay his fine.

your first appearance in court. The arraignment is usually a separate proceeding, but may be combined with the trial in some courts. There is no reason to be nervous, as it is simply a proceeding in which you can enter your plea, have your bail determined or have a trial date set.

Generally, you should attempt to be pleasant and dignified at your arraignment, as it doesn't hurt to favorably impress the judge. Be neatly dressed and well groomed, be sober, and make any answers or statements polite, respectful and clearly spoken. You can expect the same treatment in return.

WHAT ARE THE TYPES OF PLEAS?

There are only four acceptable pleas (A plea for mercy isn't one of them) which you are permitted to make at the time of your arraignment. Those pleas are:

1. Not Guilty
2. Guilty
3. Guilty with an Explanation
4. Nolo Contendere

WHAT DOES A PLEA OF "NOT GUILTY" MEAN?

Not guilty means that you do not feel that you have violated the law with which you were charged. When

Notice on the rear of the citation waives most of the driver's rights and cops a plea of guilty.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the offense charged on other side of this citation. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court, and that this record will be sent to the Licensing Authority of this State (or of the State where I received my license to drive). I do hereby PLEAD GUILTY to said offense as charged, WAIVE my right to a HEARING by the court, and agree to pay the penalty prescribed for my offense.

(Defendant's Name)

(Address)

(Driver's License Number)

you plead not guilty, you are telling the court that you are innocent of the charge and wish to contest it at trial. The judge will determine the type of trial you wish to have, and then will set a date and time for the trial. He will order you to return at that time, and will caution you that you will receive no further order, notice or subpoena to appear.

If you have not already posted bail prior to your arraignment, he will establish the amount of bail you must deposit with the court to ensure your return before you can be released following the arraignment. Deserving defendants may be released on their own recognizance.

WHAT'S A PLEA OF "GUILTY" MEAN?

When you plead guilty at your arraignment, you are giving up your right to a trial for the offense, and admitting that you committed the offense charged without trying to give any explanation for your misconduct. The plea of guilty goes down on your record just as if you had gone to trial and had been convicted. After pleading guilty to the offense, you are usually sentenced by the judge right at the arraignment.

WHAT DOES "GUILTY WITH AN EXPLANATION" MEAN?

Guilty with an explanation goes on your record just the same as if you had plead guilty. You are still confessing that you committed the offense as charged, but you are offering an explanation of why you committed the offense. If you plead guilty with an explana-

tion, the court will not dismiss your case, but may suspend or reduce the amount of the fine.

Your explanation should be short, concise and to the point. Don't beat around the bush and deny that you committed the violation after making this plea, because the judge will ask you to either withdraw your plea and plead not guilty, or he will just tell you that he has heard enough and give you a sentence. Other than the fact that your sentence *might* be reduced, guilty with an explanation is handled the same as a plea of guilty.

WHAT DOES A PLEA OF "NOLO CONTENDERE" MEAN?

The plea of "Nolo Contendere" means "I'm not admitting that I did it, but I'm not going to argue that I didn't either." As far as your driving record and the court's view of your case are concerned, a plea of nolo contendere is just the same as pleading guilty. However, in a civil suit against you resulting from an accident in which you received the citation, a plea of guilty could be used as an admission by you that you were at fault in causing the accident. The plea of nolo contendere cannot be used against you in that manner.

Nolo contendere is one term that's best left in Latin for the lawyers to use. If you're seriously considering a plea of nolo contendere, you had better consider hiring an attorney to defend you because you may well be in over your head.

Before a case goes to trial, the prosecutor will sometimes want to play "Let's Make A Deal." A not too uncommon trick is the old line, "Rather than prosecute

this through to the inevitable verdict of "guilty," I'll let you cop a plea of nolo contendere." If you're approached on this one, don't believe it. Nolo contendere is treated exactly the same by the court as a plea of guilty and your sentence will be identical.

WHAT'S THE DIFFERENCE BETWEEN A COURT AND A JURY TRIAL?

In a court trial, only the judge is hearing your case, and he alone will render a decision as to your guilt or innocence. If the defense of your case is based on some technical point of law, having a judge who understands all about the legal technicalities can really be to your advantage.

In a jury trial, a panel of people from your community (most juries have 12 members, although some may have less) hears your case, and then they privately discuss all of the evidence and come to a conclusion as to your innocence or guilt. The decision of the jury must be unanimous, otherwise the judge has to either declare a mistrial and give you an entire new trial, or dismiss your citation.

The jury trial has some definite advantages, because the prosecutor has to convince all 12 people who are probably drivers like yourself and may be sympathetic to anyone who gets a ticket.

The Constitution gives you the right to a jury trial when you are charged with a crime. Many states have reduced traffic offenses to infractions rather than misdemeanors, so you may not have the right to a jury trial in cases which are classed as infractions. In misdemeanor cases, you will always have the opportunity

to have a jury trial. If you desire a court trial, and the prosecutor agrees, then you may waive your right to a jury trial and have your case heard by a judge.

WHAT IF I WANT A DIFFERENT JUDGE?

There are a number of reasons why you might want another judge than the one assigned to your case. If you recently appeared in his court and think he might remember you; if he's widely known as a "hanging judge" with a reputation for being tough; or if you think he might be prejudiced against you for any other reason—you may have your case heard by another judge. This procedure, known as an "Affidavit of Prejudice" *must* be filed before your trial begins, and as soon as possible after you learn which judge has been assigned to your case.

This affidavit may be submitted to the court either verbally or in writing. The basic form for the motion is as follows:

(Your name)

(Your address)

(Your telephone number)

DEFENDANT

IN THE JUSTICE COURT

_____ JUDICIAL DISTRICT,

COUNTY OF _____, (Your State)

Regarding the Matter of)

)

CITATION # _____

People of the State of _____)

)

AFFIDAVIT OF

Plaintiffs, vs.)

PREJUDICE

(Your name), Defendant)

To the Honorable Justice Court: I, (your name), appearing in propria persona as a party to the within action, believe that the judge before whom the trial of said action is pending is prejudiced against me so that I cannot, or believe that I cannot, have a fair and impartial trial or hearing before such judge.

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge.

Signed (Your signature), Defendant
(Your name typed)

This document doesn't have to be typed, although it would probably look a lot neater if it were. Just be certain that it is presented to the clerk of the court as soon as you find out who the judge is, and be sure that you would feel better off with some other judge. Be sure to keep a copy for your records too.

WHO IS THE PROSECUTION?

The prosecution is the attorney representing the governmental agency attempting to prove your guilt in court. The prosecution represents the government, and because the government is the representative of the people of your state or city, the prosecution is often referred to as "The People." Depending on which agency is prosecuting you, the prosecution may be variously referred to as the "State," the "Commonwealth," or the "City."

WHO ARE THE "PEOPLE"?

The People is the term used in court to describe the prosecutor, and all of the government. This is because laws are enacted by representatives of the people of that state, and anytime you violate a law, you have committed a crime against the people of that state.

WHO IS THE DEFENSE?

That's you if you get a ticket, and your attorney if you have one. As the person accused of the crime, you will also be referred to as the "Defendant."

SHOULD I HIRE AN ATTORNEY?

If you are charged with any of the really serious offenses like reckless driving, engaging in a speed contest (street racing), hit and run, or driving under the influence, you had better hire the best attorney you can find. Also consider hiring an attorney for minor offenses if your driving record is absolutely horrible and you may lose your license. If you're facing a \$500 fine, the few hundred dollars of an attorney's time may be well spent.

For minor traffic offenses, usually the savings in the fine can't justify the expense of an attorney. Often representing yourself can be an advantage, particularly at jury trials. That way it's you as a layman against the prosecutor, rather than a battle between two attorneys. Juries often root for the layman, who they can identify with.

CAN ANYBODY ELSE REPRESENT ME?

In the courtroom, you can either represent yourself, or be represented by an attorney. No one else can represent you.

Sometimes a relative or close friend may be allowed to represent you at your arraignment if you are unavailable. It's up to the judge as to whether your "proxy" will be allowed to speak for you, and usually your representative is only allowed to enter a plea of not guilty, or to ask that the arraignment be postponed until a date when you can appear.

Most states handle juvenile traffic citations in a separate court than the adults.



WHAT IF I'M A JUVENILE?

Most states handle juveniles in an entirely different court than the adults, and often will not even go through an arraignment. Typically the juvenile has to appear in the juvenile court, or a juvenile division of the municipal court building, with at least one of his parents. The case is heard before a referee who will decide your guilt or innocence, and set the fine.

A juvenile is still in the care and custody of his parents or guardians, and doesn't necessarily have the right to have a jury trial.

WHEN I GO TO COURT, SHOULD I MENTION THE OTHER CITATION I PICKED UP IN THE MEANTIME?

It would be unwise (to say the least) to mention any other citations at all unless you are asked directly about it under oath. You shouldn't lie about it if asked, but there's no reason to let the cat out of the bag and face a much stiffer fine. If you have two violations with appearance dates very close together, you should consider appearing in the morning on one violation, and the same day at night court on the other. This way you may avoid facing the same judge twice, and there's a chance that the two sets of paperwork won't ever be correlated before going to the Department of Motor Vehicles.

DOES THE JUDGE KNOW MY PAST DRIVING RECORD?

Part of the procedure when they take your copy of

the citation and put you on the court "calendar" for a particular judge, is to run a copy of your record from the Department of Motor Vehicles and attach it to the other documents associated with your case. If you plead guilty at the arraignment, the judge has the information available to him on which he bases the amount of the fine. For repeat violations, the fines get very large and can go well over \$500.

In the court trial, it is improper and illegal for the judge or the jury to consider your past record. The theory is that you are only being tried for the one offense, and anything else has no bearing on the case at hand. However, once your guilt has been established, the judge does have your record with the other documents to consult before sentencing you.

DOES HE KNOW MY OUT OF STATE RECORD?

Yes, most states have reciprocal agreements to exchange information on driving records. A violation by a driver from one state who is cited in another will probably have that information sent back to his own state's Department of Motor Vehicles.

WILL THE OFFICER BE IN COURT?

The officer won't appear at the time of your arraignment, but will usually appear at your trial. As the defendant, you have the right to be confronted by the evidence against you. The most important piece of evidence the "People" have is the officer's own testimony. Without the officer's testimony, it is very un-

CERTIFIED ON INFORMATION AND BELIEF.

I/WE CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT.
(PLACE)

DATE		CALIF.
DATE	VAC. DATES	
	FR:	TO:
	DATE	PERM. AREA

PLEASE TO APPEAR AT THE TIME AND PLACE

T ☐ **JUVENILE** ☐ **TO BE NOTIFIED**

Many citation forms include a place for the officer's vacation dates, to ensure that the trial won't be scheduled in his absence.

likely that prosecution will be able to prove their case.

If the officer doesn't show up in court, the prosecutor may try to persuade you to go to court and accept the officer's notes, sworn statement or just the citation instead of his actual testimony. It would be very unwise to agree to this, as it is impossible for you to cross-examine a written statement which is likely to be accepted as fact by the court.

If there's a good reason for the officer not showing up (such as he was hospitalized the night before) then the judge might be inclined to grant a continuance to the prosecutor. If the officer doesn't have a reasonable excuse, you can probably move to have your case dismissed and have it granted by the judge. Without

the officer's actual testimony, the chances of a successful prosecution are almost zero, unless there are other witnesses or physical evidence to support the offense.

WHAT IF THE OFFICER IS UNABLE TO APPEAR?

If the officer is unable to appear, many times the prosecutor will attempt to get you to agree to a "trial by deposition." A deposition is the officer's sworn statement of the facts in a case. A typical deposition form used by law enforcement agencies is as follows:

CENTERVILLE POLICE DEPARTMENT

Citation Number _____

Defendant's Name _____

Date/Time of Violation _____

Place of Violation _____

V.C. Section(s) Charged _____

DECLARATION OF FACTS

This space is for narrative description. Include the following if applicable:

1. *Weather conditions.*
2. *Lighting.*
3. *Road conditions and type.*
4. *How was driver identified?*

5. *Where was defendant when first identified?*
6. *Where was the citing officer?*
7. *Essential elements of the violation.*
8. *How and where stop was made.*
9. *Passengers in defendant's vehicle.*
10. *Conversation with defendant.*
11. *Did you have a partner?*
12. *Attach speedometer calibration if speed is element.*
13. *Diagram on reverse side of affidavit.*

The form is filled out and then signed by the officer and witnessed by one of his supervisors. Just remember, you do have a right to be confronted by all of the evidence (including the officer's testimony) and you can't cross-examine his notes. We don't recommend that you agree to a trial by deposition.

WHAT ARE THE CHANCES THE OFFICER WILL APPEAR?

The chances are very high that the officer will appear at your trial. After all, that's part of his job that the taxpayers are paying for. However, officers do occasionally miss a trial for various reasons. These reasons include:

1. The officer may have resigned or been fired and is no longer working for that agency.
2. The officer may have been transferred to another station and be working hundreds of miles away.
3. The prosecutor may have failed to subpoena him as a witness.

4. Because of some emergency, the officer may have been required to be on duty the day of your trial.
5. The officer may be on vacation.
6. The officer may be sick.
7. The officer may have simply overslept or forgotten. (Remember, police officers are human too.)

WHAT IF THE OFFICER DOESN'T APPEAR?

If the judge doesn't grant the prosecution a continuance until the officer can show up (the continuance couldn't be beyond your statutory period for a speedy trial), it's just like Christmas time for you. The chances are very good that you will not be convicted, unless the prosecution has other witnesses or evidence that he can enter into the trial to prove your guilt. Because he has to prove your guilt "beyond a reasonable doubt" his chances of doing that are very slim indeed. The mere fact of the officer's absence should be enough to introduce that reasonable doubt in the minds of the judge and/or jury.

IF THERE WERE TWO OFFICERS, WILL BOTH SHOW UP IN COURT?

Very rarely will both officers show up at your trial, unless it is a particularly important trial for a serious violation. If you think that the prosecutor has more than one witness against you, you should move in court to have all witnesses excluded except the one testifying. This is your right, and the court will grant your request. If there is more than one witness, it may actu-

LOCATION OF VIOLATION (S)			
<input type="checkbox"/> OFFENSE IS NOT COMMITTED IN MY PRESENCE. CERTIFIED ON INFORMATION AND BELIEF. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXCELUTED ON THE DATE SHOWN ABOVE AT _____ PLACE			
ISSUING OFFICER _____		I.D. _____ VAC. DATES _____ CALIF. _____ PER. _____ TO: _____ I.D. _____ PERM. AREA _____	
NAME OF ARRESTING OFFICER IF DIFFERENT FROM ABOVE _____			
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE CHECKED BELOW <input checked="" type="checkbox"/> SIGNATURE _____			
<input type="checkbox"/> MUNICIPAL COURT ADDRESS: _____ <input type="checkbox"/> JUSTICE COURT <input type="checkbox"/> JUVENILE <input type="checkbox"/> TO BE NOTIFIED			
<input type="checkbox"/> ON THE _____ DAY OF _____ 19____ AT _____ H. <input type="checkbox"/> WITHIN 15 DAYS <input type="checkbox"/> OR YOU MAY APPEAR AT _____ P.M. ON _____ TO ANSWER CHARGES OF VIOLATION OR DESCRIBED ABOVE. FORM APPROVED BY JUDICIAL COUNCIL OF CALIFORNIA 8-679 V.C. ADDED BY P.C. 8819 CDP 215 REV. 9/76			

Separate lines are provided for two officers to sign a citation.

ally be to your advantage. The different witnesses will often have very different testimonies, and any discrepancies or conflicts between them can all add to your establishment of reasonable doubt. By contradicting each other the witnesses give the court the impression that their memory of the incident isn't really very clear (often it isn't).

Because of the conflict that may be generated between two witnesses, it may actually be to your advantage to subpoena both officers to your trial.

DOES THE OFFICER GET PAID FOR HIS APPEARANCE?

If the officer is appearing in court during the hours in which he routinely works, he won't get any extra pay for appearing in court, but will be paid his normal salary for the hours. If he is normally assigned to night duty, he will either be paid overtime, or will be given compensatory hours. (This means that he gets an equivalent number of hours off his normal schedule for the extra hours he puts in during the trial.)

WILL HE APPEAR ON HIS DAY OFF?

Yes, in fact many officers look forward to appearing in court on their day off as a means of generating extra income from the overtime hours. Other officers may want nothing more than to get the heck out of court so they can enjoy their day off. These officers may be quick to pressure the prosecutor to make some kind of deal with you in order to speed things up.

WILL I HAVE A CHANCE TO TELL MY SIDE OF THE STORY?

Yes, after the prosecution has presented, finished and rested its case, you will have an opportunity to present your defense. Your testimony will probably be the key part of your defense.

During the prosecution's presentation, you will also have opportunities to ask their witnesses questions in what is called "cross examination." During that time, you should also be able to point out part of your side of the story by asking some very specific questions.

WILL I BE SWORN IN OR UNDER OATH?

Only if you intend to testify as a witness. Before any witness, including yourself, is allowed to testify, he must face the clerk of the court, raise his right hand and answer the oath given by the clerk: "Do you swear that the testimony you shall give in the cause now pending before this court will be the truth, the whole truth and nothing but the truth, so help you God?"

Before a witness is allowed to testify, he must answer in the affirmative by saying, "Yes." "I do," or something to that effect.

WHAT IF I DON'T BELIEVE IN GOD OR IF I DON'T WANT TO SWEAR ON A BIBLE?

If you object to swearing to God for religious reasons, you can "affirm" that you will tell the truth, but you should tell the clerk of your intentions in advance.

CAN I LIE?

When you are under oath, you are legally bound to tell the truth. Under the Constitution, you can refuse to answer any question that you feel might be used against you in any way, but if you lie and are caught you could end up in jail for perjury.

WILL I BE ABLE TO ASK THE OFFICER QUESTIONS?

Yes, immediately after the officer's testimony you will be given the opportunity to "cross-examine" the witness. You don't have to come on like Perry Mason,

but you should be well organized with a complete list of questions you wish to ask the officer prepared well in advance. You can add to this list as he testifies, being sure to note any inconsistencies or conflicts in his testimony. Feel free to take notes on his answers for later use; the court doesn't expect you to memorize everything the officer says.

This is not a time to argue with the officer, or to deny the offense, but only to gather information from the officer's testimony. If you get into a "No I didn't—Yes you did!" type argument with the officer, the judge will give you a verbal slap on the wrist. If you persist, he may even find you in contempt of court and fine you.

You should also be careful not to admit anything in your questions that could be used by the prosecutor in his case. Ask the officer, "Where were you when my vehicle entered the intersection?" not "Where were you when I ran that red light?"

CAN I GET WITNESSES FOR MY SIDE?

Yes, you have the right to have witnesses appear on your behalf, as long as their testimony is relevant to the case.

HOW CAN I GET WITNESSES?

Compile a complete list of all the people you would like to appear at your trial before you go to your arraignment. When you plead not guilty at the arraignment, the judge will set a date for the trial to take place. You should then go to the clerk of the court (one week before the trial at the very latest) and ask him to



Your passengers are often your best witnesses.

prepare subpoenas for those persons. You will have to be able to provide home and business addresses and phone numbers for each of the persons you wish to have served.

If you feel one of the persons you are subpoenaing might not really want to go to court on your behalf, you had better consider dropping him from your defense. He could be hostile to you in court, and do more damage than good.

SHOULD I PAY MY WITNESSES?

Absolutely not. The witnesses are there to present fair accurate information to both sides of the case. If

the person testifying has been paid by you (some folks call it bribing a witness) it could be very embarrassing.

Although it may seem too good to be true, the court actually pays the witnesses to compensate them for their loss of a day's work and the cost of transportation. In fact, it is too good to be true, because a typical witness would be paid slightly more than \$5 for the day, and perhaps 15¢ per mile.

In civil cases, expert witnesses are often paid for their services, but tactics such as these are best left for the attorneys. You'll have to check with the clerk of the court in your area to find out what the rates for witnesses are, but don't be shocked if they barely cover the bus fare.

HOW MANY WITNESSES CAN I BRING?

You are entitled to bring as many witnesses to your trial as you feel are relevant to your case. Don't do this lightly though, because you will have to swear to the marshal under oath that the witnesses you subpoena are essential to your case. You should also remember that every witness you bring into the trial will be subject to cross-examination by the prosecutor, and he may dig up some answers from your witnesses that you'd rather not have them say.

CAN I BRING CHARACTER WITNESSES?

If you really think you can, you've probably been watching too many late night re-runs. The fact that you got straight A's all the way through kindergarten and always cleaned your plate (even if you ate all your

peas and carrots) has absolutely no bearing on whether or not you were doing 85 miles per hour through a playground. Only witnesses who are relevant to the particular incident, in which you are charged, will be allowed to testify.

HOW LONG DOES A TRIAL LAST?

Most trials are surprisingly short; you're lucky if it runs over 15 minutes. However, you will usually have to appear early in the morning to have your case scheduled, and your case might not be called until several hours later. Of course, this time can be to your advantage. Unless yours is one of the first trials scheduled, you'll have a good opportunity to observe how other cases are handled (or mishandled) and may pick up on some useful techniques for your own trial.

DOES A JURY TRIAL LAST LONGER?

A jury trial will often last quite a bit longer than a court trial heard before a judge. A jury trial naturally is slower because of the need to select the jurors for your case, and the need for the judge to give the jury instructions about various points of law. The prosecutor will also be much more careful in the presentation of his case, as he will be trying to convince a group of laymen of your guilt rather than trying to convince a legal professional such as the judge. The prosecutor may also be inclined to object to minor deviations from formal procedure, primarily for the purpose of impressing the jury.

The jury will also take some time in "deliberation." This takes place when they meet privately after the

presentation of both sides of the case, to make the final decision as to your guilt or innocence.

WHAT DOES CHALLENGE OF A JUROR MEAN?

When a juror is challenged, he is being “rejected” by either you or the prosecutor as being unsuitable or incompetent to sit on your trial. After the first twelve people are selected for the jury, the judge, the prosecutor and you will all have an opportunity to play “Twenty Questions” with the jury.

Any number of jurors can be challenged “for cause” (a good reason), and will be dismissed and replaced if the judge agrees with you. You also have ten “peremptory” challenges for which you don’t have to show a good reason for the juror’s dismissal.

Typical reasons for dismissing a juror are because of occupation (you probably wouldn’t want an ex-cop on the jury), because of acquaintance or relations (you also wouldn’t want a cop’s wife or best friend), or because of experience (if the juror just got a ticket, he might be biased in your favor and the prosecutor would reject him).

The challenge of a juror in traffic court usually has little bearing on the outcome of your case and is often unnecessary. Use a little restraint in rejecting jurors, and only challenge them if you really feel that there is a valid reason that would bias your case. If you have too many unreasonable challenges, you may only alienate both the judge, and the remaining jurors.

WHAT DECIDES WHO GETS TO ASK WHO QUESTIONS FIRST?

Your entire case is already planned out. Each testimony and period of questioning has already been determined as a matter of established trial procedure.

WHAT IS TRIAL PROCEDURE?

Trial procedure is the basic format of the trial, quite literally the order in which the trial proceeds. The judge will assist you with any of the little fine points of procedure, because as a layman you aren't expected to know them all. He may also make objections on your behalf, and will prevent the prosecutor from taking unfair advantage of you. The procedural format for a jury trial is as follows (for court trials, all jury activity can be deleted and the judge will give his verdict):

1. The judge calls your case. Both you and the prosecutor should either answer "Ready," or ask the court for a continuance.
2. The jurors will be selected for your case. These are usually selected by a random drawing by the court clerk.
3. The jurors will be questioned about their qualifications by the judge, the prosecutor and you.
4. The jurors are either challenged or approved by the judge, prosecutor and you. The jury is then sworn in.
5. Opening statements are made to the jury by first the prosecutor and then by you. Often the opening statements are waived in a traffic case.
6. The prosecution presents its case, by giving all of its evidence and the testimony of its witness-

es. Then you have an opportunity to cross-examine his witnesses, asking any questions you wish about their testimony. The prosecutor then has a "redirect examination" in which he can clarify any testimony which you brought out of the witness in your questions. Then you can question the witness again on "recross examination." Both sides can redirect and recross examine as many times as is necessary.

7. When the prosecution is satisfied, he will "rest" his case.
8. You present your case, introducing your evidence and having your witnesses testify. The prosecution then has a chance to cross-examine the witnesses, and redirect and recross examinations follow as in the presentation of the prosecution's case.
9. Once you have finished and are satisfied that your case is complete, the defense rests its case.
10. The prosecution "argues" (explains) its case to the jury (or the judge in a court trial).
11. The defense (that's you) "argues" its case to the jury.
12. The prosecution makes any final arguments in reply to any new matters you may have mentioned in your argument.
13. The jury is instructed by the judge about the applicable law. He may also clarify any part of the trial that he thinks may have confused the jury.
14. The jury "retires" into the jury-room to deliberate, and comes to a conclusion about your case.
15. The jury returns and tells the judge what verdict

has been decided. The jury is then dismissed by the judge.

16. If your verdict was "guilty," the judge will pronounce your sentence. If it was "not guilty," you will be excused by the court.

This outline should be carefully studied before going to trial, so that you will know when to ask the appropriate questions on which your defense will be based.

DO THEY ALWAYS FOLLOW TRIAL PROCEDURE?

No, some courts tend to ignore proper trial procedure if they feel they can get away with it. You should never say anything in your defense until the State has presented and rested its case. This is more than just following procedure, this is an important concept of our court system. If a record is kept of the trial proceedings by a tape recorder, or by a transcript made by a court reporter, it will serve notice on the judge and prosecutor that no departures from proper procedure will be allowed.

WHAT'S AN OPENING STATEMENT?

The opening statement is used in advance of presenting any evidence to explain what your evidence is and how it affects your case. The opening statement is very important in criminal cases where the evidence and testimony can be huge and very complex. Most traffic cases are very simple, and the nature and purpose of the evidence will be easily understood. Opening statements are almost never made in court trials (the judge

is more familiar with evidence and laws than either you or the prosecutor) and only rarely in jury trials.

Even if the prosecutor does make an opening statement, you as a layman are usually better off if you waive your right to do so. Chances are you'd only be repeating evidence that you will give later in testimony, and there is ample opportunity for you to explain how the evidence affects your case in your closing statements to the court. Because opening statements are so rarely given in traffic cases, don't be too surprised if the judge doesn't ask you if you desire to make one.

WHAT'S "BURDEN OF PROOF"?

Burden of proof is the heavy load that the prosecution has to bear in the trial. Burden of proof is the prosecution's responsibility. It is up to him to *prove* beyond a reasonable doubt that you are guilty of the charges. If he cannot produce enough evidence to prove that you committed the offense before he rests his case, then you are entitled to have the case dismissed by the judge, whether it is a court or a jury trial.

Often the prosecution's case is based solely on the officer's testimony with no other evidence. If the prosecutor just asks for the officer to give a narrative description of your alleged violation, you may find that he failed to establish one of the elements of your violation. (You should have a list of the elements already prepared from when you examined your citation. Check off each element as the prosecution covers it.)

If you do notice any element that the prosecutor failed to establish, be very careful not to establish that

fact for him by asking the officer a question that will cover that element. You may even wish to dismiss the witness with no further questions, and move on to your defense, once again without covering the element. This missing element can be brought up in your closing statement to the court along with a request for immediate dismissal.

When the officer testifies, you should also watch to see if he is referring to his notes on the back of his copy of the citation (most officers will have the copy of the citation with them). If you do see the officer looking at some notes when he is asked about the date, time and details of the citation, you should stand and politely ask the judge to inquire if the officer is referring to his notes to refresh his memory. If the officer was doing so, you should ask the judge to instruct him not to unless he absolutely can't remember the details, and to tell the judge or jury when he is actually referring to his notes. Particularly in jury trials, this can throw a lot of doubt on the accuracy of the officer's testimony.

WHAT'S A REASONABLE DOUBT?

The entire purpose of your testimony is to raise a "reasonable doubt" about your guilt. A reasonable doubt is defined as "that condition of mind in which a sincere and well founded doubt is raised as to whether the person charged with a crime is actually guilty." This doubt, which you are trying to implant in the minds of the judge and the jury is the whole purpose of your testimony. You must supply enough concrete information that your guilt is truly questionable.

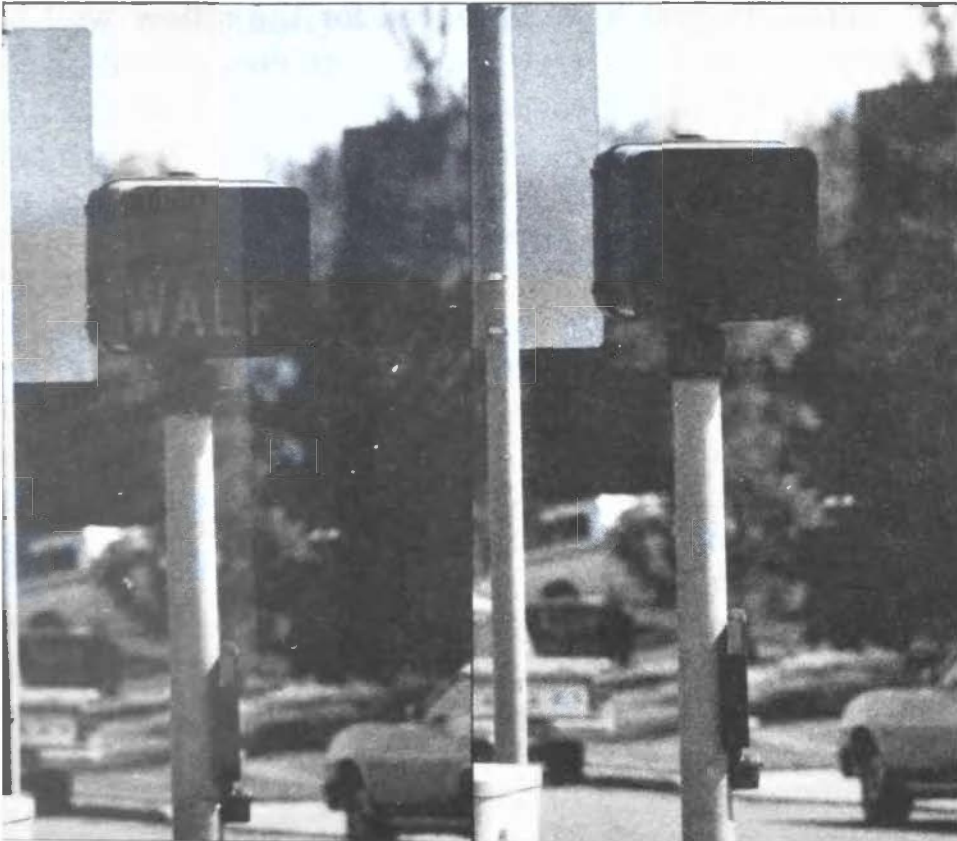
It's pretty much up to the judge and jury to deter-

mine what is a reasonable doubt. However, most of the people on the jury who have doubts of any kind will consider themselves to be reasonable people, and will then consider their doubts to be reasonable as well.

CAN I BRING EVIDENCE?

Yes, you can bring any photos, documents, or subpoenaed items that you think will be of assistance to your defense. After your last witness is excused from the stand, you should ask the judge for permission to have your physical "exhibits" admitted into evidence. This may be done by stating, "Your Honor, may my defense exhibits be admitted into evidence?"

Now you see it, now you don't. Photographs to back your testimony make excellent evidence.



WHAT'S CROSS-EXAMINATION?

Cross-examination is the questioning of the opposing party's witness on the matters to which he testified in his direct testimony. You will have a chance to cross-examine the officer after he gives his testimony for the prosecution, and the prosecution will have a chance to cross-examine you after you give your direct testimony.

Cross-examination is very difficult, and entire books have been written on the subject for lawyers. The court and the jury do not expect you as a layman to come across with the smooth professionalism of Perry Mason and reduce the witness to a weeping, hysterical confession. However, they will be impressed by a well-organized and complete cross-examination.

Your cross-examination should be based on the list of questions you have prepared for the officer well in advance of the trial (we'll talk more about what questions to ask in "Fighting the System") and on any additional questions you may have added during his testimony.

Listen carefully to his answers to your questions, and be sure to note the important ones on a sheet of paper for your reference when making your final argument. It will also help to impress upon the jury the importance of certain answers if you draw their attention by writing the answer down. The judge will probably recognize any relevant facts that you miss in his answers, and may even assist you in your cross-examination.

It is important that you only ask the officer about the facts of his testimony, without becoming argumentative. You can deny his statements later in your

own testimony, but if you start in on the officer with "I was not going 65!" you may defeat the entire purpose of your cross-examination. When you are finished asking your questions, you can indicate this to the judge by saying, "No further questions, Your Honor."

WHAT ARE REDIRECT AND RECROSS-EXAMINATION?

The main purpose of the cross-examination is to expose any facts that may have been missed on the direct testimony of the witness. After you are finished with the cross-examination, the prosecutor has a chance to requestion his witness to deny or explain anything that you may have uncovered. This is called the redirect examination. After the prosecutor is finished, you have an opportunity to ask the witness more questions, and this is called recross-examination.

The prosecutor and the defense (that's you) can conduct redirect and recross-examination as many times as is necessary to bring out all of the facts of the case. However, any re-examination of a witness should be avoided unless you really feel that you may uncover some important evidence. Otherwise you will run the risk of boring and alienating the judge and the jury.

DO THEY EXPECT ME TO KNOW ALL THIS RECROSS, REDIRECT AND BURDEN OF PROOF STUFF?

No, the court really doesn't expect you as a layman to know all about courtroom procedures and etiquette. In fact, you'll find that the judge and even the prose-

cutor will overlook most of your minor mistakes, and may even assist you and instruct you as you go along.

What the court does expect from you, is that you at all times be courteous, respectful and polite. If you remain pleasant and present your material in a logical, organized and tactful manner, you'll generate the respect and sympathy of the judge, jury and the prosecutor.

WHAT'S A CLOSING STATEMENT?

The closing statement is your final opportunity to present your case to the judge and the jury. After both you and the prosecutor have presented and rested your cases, the judge will ask you to give your final arguments, or closing statements.

The prosecutor will give his statement first, and will have a chance at rebuttal to your statement after you are finished. You will not be given an opportunity to respond to his rebuttal.

In your closing statement, you should respond and clear up anything that the prosecutor may have said in his closing statement that may have damaged your defense, and explain once again to the judge and the jury how the evidence which has been presented proves your innocence. Now is the time to demonstrate how the evidence provides a reasonable doubt of your guilt, and to point out any missing elements of the crime with which you are charged.

WHEN DOES THE JUDGE OR JURY DECIDE IF YOU'RE GUILTY OR NOT?

In a court trial the judge usually decides and delivers the verdict immediately after the final argument and the case is completed. Sometimes he may recess the court for a short time while he goes to his chambers (office) to think over the evidence and perhaps to check with some previous cases that were similar to yours. If he is particularly busy, he may take the case "under submission" and notify you of his decision at a later date. Usually the decision is delivered immediately and you are sentenced that same day.

In a jury trial, the jury is taken to another room after your closing arguments and they are left to themselves to come to a decision. The average jury will take 15 to 30 minutes to come to a decision, and the judge will allow them about an hour at the most. If the jury is unable to come to a decision after that amount of time, the judge may declare it a "mistrial." At that time (and if the traffic offense isn't too serious) a motion by you to the judge for dismissal of the charges will usually be granted.

No matter which type of trial you have, if the judge or jury find you not guilty, you have won your case. The citation is then removed from your records and will not appear on your permanent driving record. However, if you are found guilty, the sentence will usually be imposed at that time.

CAN THE JUDGE TAKE MY LICENSE AWAY?

Yes, he can have the bailiff take it away from you right on the spot. He may also just suspend your license for several days or months, stamping the suspension dates on your license and forbidding you to drive during that period. If the defendant's livelihood depends on the use of his vehicle, the judge may have the clerk stamp the license with special provisions which only allow one to drive the car to and from work.

Even if the judge leaves you with your license, it's no guarantee that you might not lose it eventually. If this conviction is particularly serious, or the latest in a number of similar violations, the Department of Motor Vehicles in your state may revoke or suspend your license for a specified period of time, or even indefinitely.

IF THE JUDGE TAKES AWAY MY LICENSE, CAN I STILL DRIVE MY CAR?

No, and the judge is going to warn you not to drive after he takes it away. Frequently, the judge will wait until you leave the courtroom, and order the bailiff to follow you out to your car and bring you back to the court if you try to drive it.

If you suspect that you may lose your license as a result of your offense (both the judge and prosecutor will probably warn you of the possibility before you go to trial) you had better get a friend to drive you to the court or perhaps take the bus. If you disobey the judge, he may be *very* unhappy and give you additional fines or even jail for contempt of court.

WHAT DOES A “SUSPENDED” OR “PARTIALLY SUSPENDED” SENTENCE MEAN?




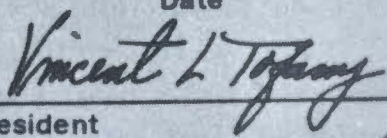
Depending on the severity of your crimes and your past record, the sentences passed in traffic cases may include jail terms and/or fines, along with the possibility of losing your license. In some cases, the judge may penalize you the maximum the law allows, and then suspend all or part of the fine. The suspended amount is an amount you don't have to pay, provided that you meet the conditions set by the court.

Typically, the conditions the judge will impose are that you not have a similar violation for a certain period of time (usually one year). If you violate the terms of this “parole” you are liable for the full amount of the suspended sentence. Often a judge will sentence you to a short jail term and a fine, and then suspend the jail term. This acts as incentive to make you behave on the highways for the period of the suspended sentence.

The suspended sentence will appear on your record just as any other conviction. The judge will often agree to suspend the sentence, or even dismiss the case if you agree to attend traffic violator's school.

WHAT'S THIS “TRAFFIC VIOLATOR'S SCHOOL”?

Traffic Violator's School, also known simply as “Traffic School” is an interesting alternative to a traffic conviction which is currently available in all states except Connecticut, Delaware, Nevada and Vermont. These classes may last anywhere from a single 8 hour

 National Safety Council DRIVER IMPROVEMENT PROGRAM	
MARK R. MILLER	
Has completed the National Safety Council's DEFENSIVE DRIVING COURSE as presented by:	
SAN DIEGO COUNTY SAFETY COUNCIL	
Cooperating Agency	
	5/20/78
Instructor	Date
	
	President
No 12945736	

Traffic school is a pleasant alternative to a conviction for most people.

session, to 8 weekly 4 hour sessions. The classes are often taught by law enforcement officers. These classes are a valuable opportunity to talk with your local police officers and have your ticket dismissed at the same time.

Typical classes consist of several hours of "catsup movies" depicting the gory results of driving fast and careless, and group discussions on traffic safety. Usually the number of times you can attend traffic school are limited; only once each year, or sometimes only once *ever*, depending on the judge. Once you complete the school, you usually have to take evidence of your completion back to the court to have your citation dismissed.

IF I'M FOUND GUILTY, CAN I MAKE PAYMENTS ON THE FINE?

If you don't have enough money on hand to pay the fine, but you expect to be able to raise the money within a short period of time, you may "appeal to the sympathy of the court." You will have to explain exactly how much money you have, and when you expect to be able to pay the remainder of the fine. The court will often grant your request, provided that they believe you can actually raise the money. Otherwise, you may have to resort to a bail bond company, or even face a jail term in lieu of the fine.

WHAT DO THE COURTS DO WITH MY MONEY?

This varies widely from state to state. Usually the fines and bail forfeitures collected by the courts are turned over to the county treasurer and then paid out to the cities and counties within that court's jurisdiction. These funds are used to support the court itself and the salaries of the police, city attorneys, judges and clerks, and to pay for various equipment.

Roughly half of the money collected goes into Traffic Safety Funds. These funds are used to pay for the purchase, construction and maintenance of traffic signs and lights, for supplies and equipment for traffic law enforcement, for maintenance and construction of public streets, bridges and culverts, and for the implementation of traffic safety programs.

CAN YOU APPEAL A CONVICTION ON A TRAFFIC TICKET?

If you feel that your trial was unfair or prejudiced for any reason, or if you feel that the sentence was excessive for your violation, you may appeal your conviction to a higher court.

The procedures involved in an appeal are quite complex and rather costly, and we strongly advise that anyone considering an appeal hire an attorney. It is possible for you to appeal a case on your own, but it will require a considerable investment of both time and money on your part. The court clerk can assist you with the necessary documents and procedures.

You should also be aware that *very* few of the traffic cases which are appealed each year are reversed by a higher court. You should consider an appeal only if you have suffered a severe injustice.

WHAT IS A "TRIAL DE NOVO"?

A Trial de Novo is the legal term for a new trial, a part of the appeal process in some court jurisdictions. In these jurisdictions, a person does not have the right to a trial before a jury at his initial trial, which is usually in the so-called "General District Court." If you lose this trial, either by going through the entire trial process and being found guilty by the judge or by failing to appear at the trial and being found "guilty in absentia," you have the right to appeal the case to the District Court of Appeals. Generally you have to post an "Appeal Bond" by mailing a check to the court. You can find out how much this bond is by calling the General District Court the day after your case is heard.

Because you did not have the right to a jury at your initial trial, the District Court of Appeals automatically orders a completely new trial. This new trial is the Trial de Novo. Even this trial can be appealed to the next higher court, the Supreme Court of Appeals. The entire Trial de Novo process is available in only a few court jurisdictions, primarily in the eastern United States. You can check with the clerk of the court to find out whether this process is available to you.

DOES THE COURT KEEP ANY RECORD OF WHAT IS SAID IN THE TRIAL?

No, the court rarely bothers to keep transcripts of the proceedings in traffic cases. However, a request that the court keep either a tape recording or a written transcript of the trial will usually be granted, and offers some tremendous advantages to you. First of all, it preserves a record of your entire trial for review by a higher court should you appeal your case. Second, it ensures that the court will follow proper trial procedures, as both the judge and the prosecutor will be aware that any deviations from that procedure will be recorded for posterity with the rest of the trial.

If you ask for a record of your trial to be kept, and are refused by the judge, you may wish to file an appeal if you lose your case. Your appeal to the higher court could suggest the fact that it was because of unusual (and possibly illegal) variations from trial procedure that the judge refused to allow a record to be made of the trial.

FIGHTING THE SYSTEM

The odds aren't all that bad. . .



WHAT IF I'M GUILTY? SHOULD I STILL FIGHT MY TICKET?

As you probably realize, even though you may be guilty you still stand a chance of not being convicted of the offense. This may be due to lack of prosecution (if the officer fails to show up at your trial), due to a legal technicality such as the prosecutor failing to establish all of the elements of your violation, or because of your own ability to instill a "reasonable doubt" in the minds of the jury.

We do not recommend fighting a citation when you are unquestionably guilty of the offense charged, but this is really a moral decision that each person will have to make for himself. We do recommend that anyone who seriously questions his guilt, in any way, take the time to defend himself against the system.

OKAY, I THINK I'M INNOCENT. HOW DO I FIGHT MY TICKET?

The first step in fighting your ticket is to plead "not guilty" at your arraignment. This is the only plea that allows you to fight your ticket. A plea of not guilty can often be entered by mail instead of actually appearing at your arraignment, but you should read the back of the citation carefully to determine if it will apply in your case. Often, bail money will have to be deposited with the court to ensure your appearance at your trial.

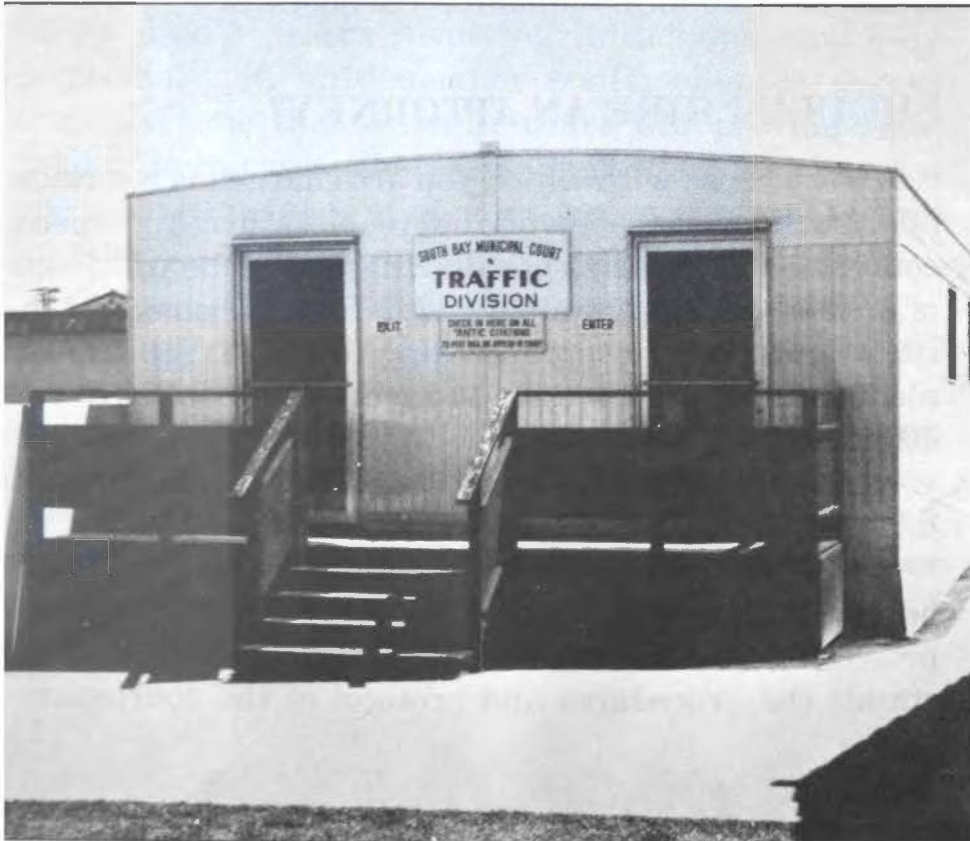
The preparation for your trial should actually begin the moment you get the citation, by carefully noting all of the details of the circumstances, the location, and remembering what the officer said to you and how he caught you. A successful defense is going to require a

little research on your part, and quite a bit of preparation before you appear at your trial.

WHERE DO I FIGHT THIS TICKET?

At the time of your arraignment, you will be told where to appear for your trial. (If you plead by mail they will notify you of the trial date and location by mail.) This location, which is not necessarily the same building in which you appear for your arraignment, that may be the "calendar" or "master" court. The judge presiding over the calendar court will ask if both the defense (you) and the prosecution are ready for trial. If both parties are ready, he will assign you to the spe-

The huge number of tickets issued today has lead to the construction of pre-fabricated mobile courtrooms such as this.



cific courtroom in which you will be tried. The schedule for each different courtroom is called the "calendar."

WILL THERE BE OTHER PEOPLE IN THE COURTROOM, NOT RELATED TO MY CASE?

Yes, there will usually be quite a few other people in the courtroom. The same court may be hearing a number of other cases, and may hear criminal arraignments, small claims suits and various other actions besides your traffic case. In addition to those people involved in the various trials, there may be a number of spectators attending the court for either educational or entertainment reasons. Don't be too surprised if you find your trial is being attended by the sixth grade class from the local elementary school.

SHOULD I HIRE AN ATTORNEY?

If the offense with which you are charged is a serious one, such as those involving reckless driving, speed contests (street racing) or driving under the influence of alcohol or drugs, you should definitely consider hiring an attorney to represent you in court. You should also give a lot of thought to hiring professional legal assistance if a conviction for your offense could cost you a lot of money, or may result in the loss of your driving privileges.

A lawyer can nearly always represent you in court better than you could do yourself. After all, he is a professional in dealing with the system, and he understands the procedures and protocol of the courtroom.

He will be quick to pick up on the legal implications of the testimonies of the various witnesses, will help to organize your testimony on the witness stand and will know when to make objections and motions. Unfortunately, the lawyer may also cost you a lot of money.

For most people who receive a traffic citation, it just doesn't make sense to spend several hundred dollars to have an attorney represent you for a \$25 ticket. In defending most minor traffic offenses, you as a layman can adequately represent yourself.

DO I HAVE THE RIGHT TO A COURT APPOINTED ATTORNEY?

You always have the right to have an attorney represent you in court, but the court is not always required to appoint one for you. Attorneys are very rarely used in cases involving infractions, and only occasionally in misdemeanor traffic offenses. About the only time that a traffic court will provide legal counsel is in cases where the offense is a very serious one and the defendant obviously cannot afford to hire an attorney of his own.

SHOULD I LISTEN TO MY FRIENDS?

That depends on your friend's qualifications. If your friend is a top criminal attorney who has handled hundreds of similar violations, you can probably depend on his advice. However, if your friend is a three-time loser in traffic court, you had better think twice about his advice.

HOW DO I PREPARE MY DEFENSE?

A proper defense begins the moment you are stopped by the officer. A critical part of your defense in court depends on your not making any statements to the officer about your guilt that might be used against you. Anything you say (like, "I was talking to my wife and I thought I was just going with the flow of traffic.") may be included in your officer's notes and may surface again at your trial to haunt you.

As soon as possible after you have been stopped, you should make notes for yourself on exactly what happened. Include when and where you were, which lane you were in, what were the nearest cross-streets or landmarks, what your speed was and what the other cars around you were doing. Try and note where the officer was when he first saw you, how long he had been observing you and exactly what he claimed you were doing. Remember to record the weather and traffic conditions as well.

At your first available opportunity, and a second time immediately before the trial, you should return to the "scene of the crime" to collect further information, and to make sketches and take photographs if necessary.

After checking out the location of your violation, you should check the elements of your violation in the Vehicle Code. Break the offense up into all of its elements and then run through the details of your stop, checking to see whether you truly did violate the Vehicle Code section.

As soon as possible after the violation, you should determine who you want to appear as witnesses for your defense, and what physical evidence (if any) you

will need to subpoena. By organizing your information carefully, you will be able to subpoena your witnesses and evidence immediately after your arraignment.

You should think through your defense, particularly in those areas where the officer made his mistakes, or the conditions that led to your "honest difference of opinion." Prepare a list of questions you will want to ask the officer when you have a chance to cross-examine him on the witness stand.

You will also want to organize your own testimony, listing all of the specific points and facts that you wish to uncover. It's not necessary for you to memorize your testimony; in fact, you should avoid delivering a "canned" statement. Organizing your defense into an outline form will insure that you cover all the important facts in some type of logical order. Your testimony should not be read, as direct eye contact with the judge or jury will help you win their sympathy and respect. Glancing occasionally at your notes won't hurt you at all.

If your citation involved the use of radar and your state laws require a Traffic and Engineering Survey, be sure to check with the Engineering Department of your city or county to see if a valid survey exists. If your state, county or local laws require that radar warning signs be posted, make sure that the signs were posted correctly in compliance with the laws.

Be sure to cover every conceivable aspect of your case before you step into the courtroom, and be sure that all of your information is well organized. When you're up on the witness stand, you want to be sure that all of your ducks are in a row.

SHOULD I TALK TO THE OFFICER IN THE HALLWAY BEFORE OR AFTER THE TRIAL?

This really isn't a good idea. Before the trial, this will only help to refresh the officer's memory of you and your violation. After the trial, there's really no reason to talk to him. He understands your position from your testimony in court. Seeing him after the trial will only result in name-calling and bad feelings, and there is really no need for that.

Proper procedure calls for the officer to leave the courtroom after he has finished giving his testimony for both sides. The theory is that the officer's job is only to bring you before the judge, and the officer has no interest in the outcome of the case.

In reality, the officer is a curious human being, just like yourself, and he will usually stay to see how you conduct your case and what the final verdict of the court will be.

WILL THEY TRY TO MAKE A DEAL WITH ME BEFORE THE TRIAL?

Prosecutors often will try to make a deal with a defendant about to go to trial. Deals are often made merely to save the court and the prosecutor time, and are frequently offered when the prosecutor has a weak case or is not yet ready for trial. Usually, the only time a prosecutor will try to make a deal with you is when it is for his benefit.

If you're facing (and contesting) two separate violations, the prosecutor often will offer to drop one offense if you will plead guilty to the other. On a single of-

fense, he may arrange to have the fine suspended ("It won't cost you a thing!") if you will either plead guilty or *nolo contendere*.

Sometimes a prosecutor may attempt to make friends with you and will try to get you to agree to a continuance. He wouldn't be asking for one if he were fully prepared for trial, and if a continuance is not granted there's a good chance that the judge will dismiss the case.

SHOULD I DEAL?

Not unless the deal is definitely to your advantage. Even if your fine is suspended, it will still appear on your record, costing you driving "points" and potentially raising your insurance premiums. If you agree to a continuance, you will only have to appear in court at a later date to defend yourself. Before making any decision about a deal, take the time to carefully consider exactly what the deal means to you in terms of its effects on your case, and what the deal means to the prosecutor. Don't deal unless the prosecutor is offering what you want out of the trial.

WHY DID THEY DISMISS MY CASE "IN THE INTEREST OF JUSTICE" WHEN I WAS ALL READY TO PRESENT MY DEFENSE?

Prosecutors are not stupid and there may come a time before the trial, in the course of the officer's testimony, or during your initial defense, that he comes to the realization that you are truly innocent of the offense with which you were charged. At that time, he

may make a motion to the court that the case be “dismissed in the interest of justice,” or that the judge “nolle” (short for ‘null process’) the case. A motion on this basis is always honored by the judge, so the case will be dismissed and will proceed no further.

WHAT DO I LOOK FOR WHEN I RETURN TO THE SCENE?

The things you should be looking for at the location of your violation, are the specific devices and objects which were involved with your offense, and any other things that might be used in your defense. You’ll want to check on the location and condition of traffic signals, stop signs, speed limit signs, road markings, curbs, dividers, islands, intersections, crosswalks and the like. Note any buildings, trees, parking lots, schoolyards and driveways.

Drive through the location as you did at the time you were stopped (but be sure not to repeat your violation). Check for any details that may have caused you to miss a sign, or to be confused about the traffic control devices. Drive through from the officer’s viewpoint, too. Could he have observed you in the manner he described to you, or was there something that might interfere with his visibility? For night violations, note carefully the lighting and visibility conditions.

You should also watch the same location, at roughly the same time as your violation and for several hours if possible. Keep track of how many people are violating the same law which you were charged with. If you’re lucky, you may be able to observe the same officer apprehending other people for the same thing. He may

By returning to the scene you often pick up details you may have missed at the time of your violation.

**NO LEFT
TURN
TO NEXT
INTERSECTION**



be working a cherry patch caused by some traffic engineering fault, and rather than reporting it to the Engineering Department, he may be exploiting it to get ahead in the ticket race. Take a look at the section of curb where he usually works. Often times, the curb near a cherry patch will be blackened by exhaust and scorched tire rubber.

If there are businesses or residences nearby, go in and talk to the people there. You may find out that everyone gets nailed by the cop at that location, and he's there like clockwork every day at a certain time.

If you were charged with speeding in a school zone, check the signs limiting the speed. Most stipulate "While Children Are Present." Were children present at the time of your violation? Find out what time school begins and ends. Would a fence or wall make the street inaccessible to the students? Try and note everything that could have any bearing on your case at all.

WHAT SHOULD I LOOK FOR WHEN I RETURN JUST BEFORE THE TRIAL?

On your return visit to the scene, you are specifically looking for anything that may have changed. If the speed limit you were charged under has since been raised, or if any of the things affecting your case have been changed, added or removed, it could count in your favor at the trial. The raised speed limit, for instance, could indicate that your speed at the time was reasonable, and that there was a fault in the engineering of the highway at the time you were cited.

SHOULD I MAKE A DIAGRAM OF THE SCENE?

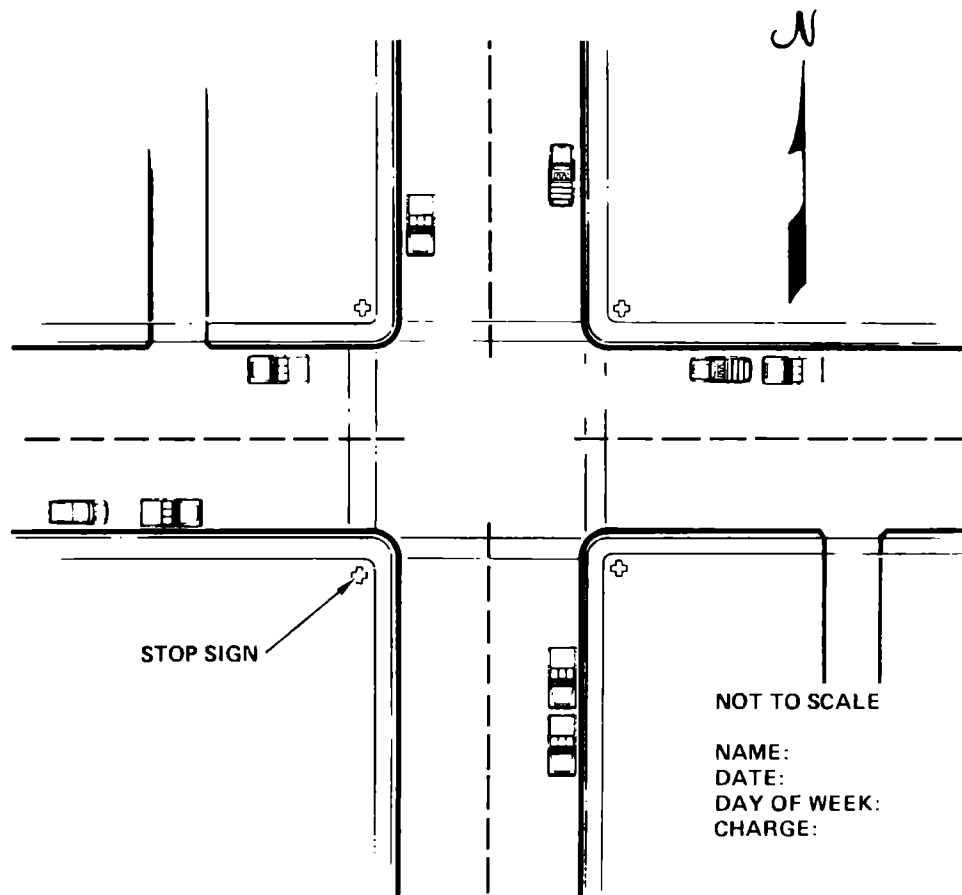
Yes, it may serve to refresh your memory during the trial, and may help you to find an element of the offense which you did not violate. The officer will often use a diagram in his testimony, and having your own diagram will help you to spot any discrepancies in his illustration of the scene.

If the prosecutor has failed to prove all of the elements of your violation, you should be very careful in your use of a diagram in your own testimony. You wouldn't want to prove the missing element by demonstrating it with your own diagram.

HOW DO I MAKE A DIAGRAM?

Your diagram should cover the area in which your violation occurred and include all of the elements of the violation. If you were charged with running a red light, your diagram should include the intersection, crosswalks, limit lines and the actual location of the light. The diagram must be kept very simple and be easily read by the jury, very likely from a distance of 20 feet. Your diagram should be no larger than about 3' x 3'.

You should orient your diagram so that North appears at the top of the paper. The illustration doesn't have to be to scale, but should be proportionate. You should note the approximate width of the streets and lanes involved and show the street markings such as simulated islands, lane dividers and limit lines. Your illustration should not contain any of the moving vehi-



Sample Diagram of the Location

cles, but may include the locations of any parked vehicles. If you bring a few colored markers along with you to court, it will provide an easy method to ask the officer to show the movements of vehicles.

You may wish to bring cardboard cut-outs of vehicles to represent the police car and your own vehicle. Often the court will have magnetic cars to use on their illustration board, but it won't hurt to come prepared. In all cases, you should keep the diagram as simple as possible.

DOES THE OFFICER MAKE A DIAGRAM OF THE SCENE TOO?

Very often the officer actually makes a small and very simple diagram on the back of his copy of the citation at the time of the violation. Usually he makes a larger, more detailed diagram just before the trial, based on the notes on his copy of the citation. If the notes weren't very complete, or no diagram was made at the scene, he may base a lot of his information on his memory of the area and the input from other officers waiting for their trials in the officer's waiting room. The officer may ask, "Does anybody know how many lanes there are at 5th and Main?"

Many prosecutors expect the officer to supply or draw a diagram with every case. If the officer uses a chalkboard or a magnetic board to diagram his side of the story, ask the judge to have the officer make the diagram on paper or photograph the board with a Polaroid camera and ask that the picture be entered into the record as evidence. You can explain to him that you would like to maintain a "complete" record of the trial proceedings.

In driver's license violations, the officers occasionally play a joke on the prosecutor by drawing a large diagram of the license with a little stick-man for a picture and a circle around the expiration date. This is always good for a few giggles in the courtroom until the bailiff or the judge takes a good look at it and has it removed.

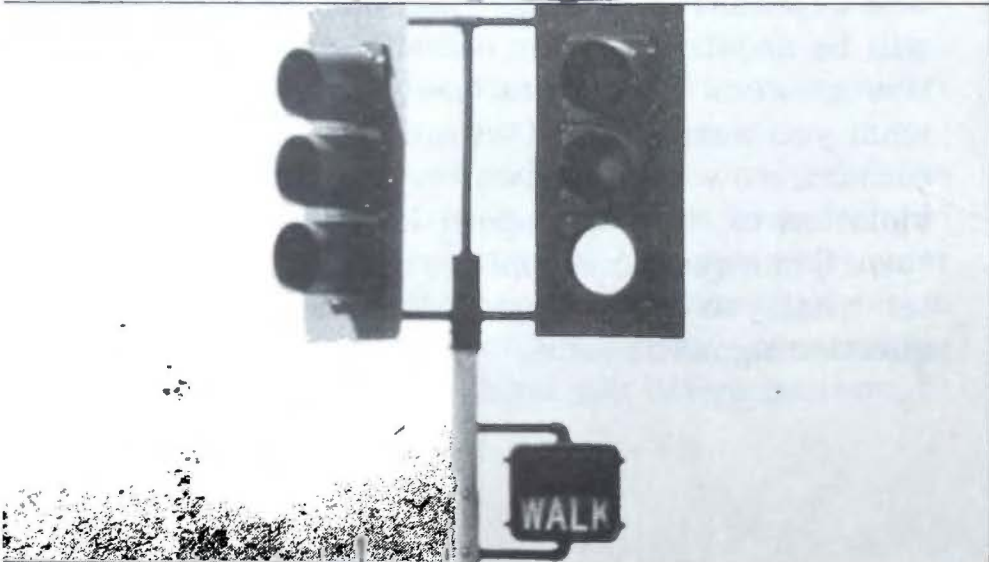
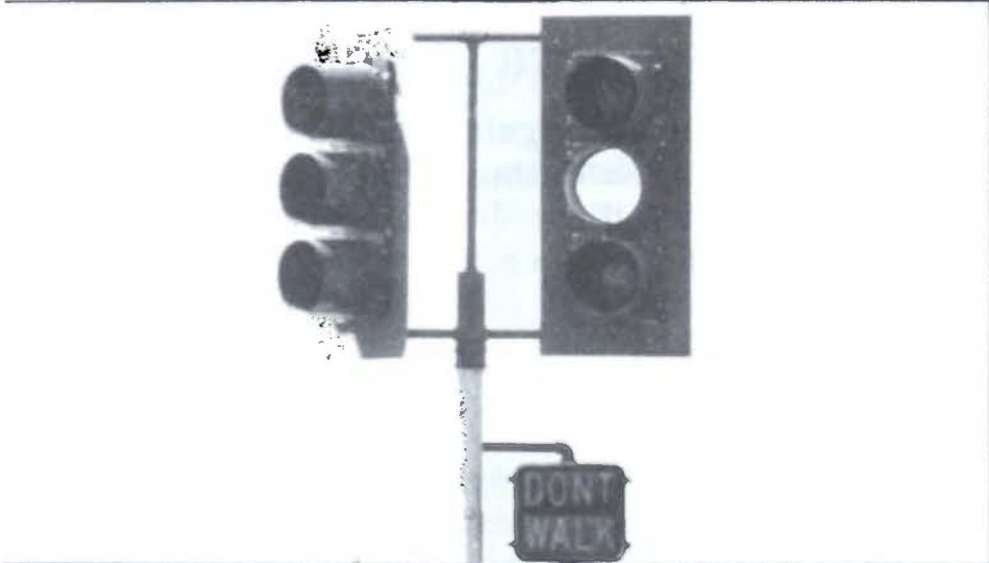
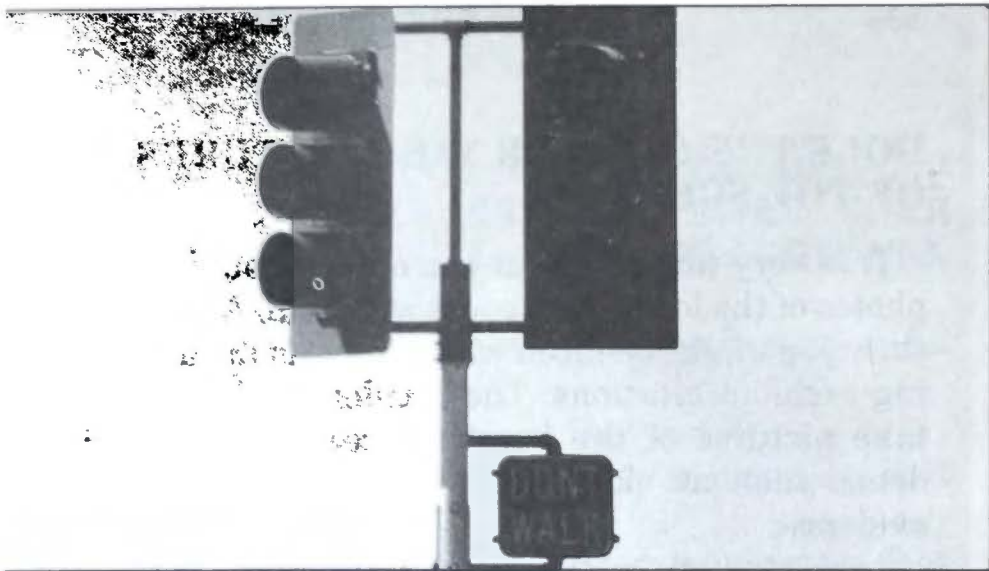
SHOULD I TAKE PICTURES OF THE LOCATION?

If your case centers on your visual perception of the area, then photographs could be a very important asset to your defense. Photographs showing a sign blocked by a tree, the faded paint of a simulated island or the sun setting directly behind a traffic light could vividly point out your case.

When making your photos, avoid going overboard with poster size prints. The snapshots from an Instamatic will serve your purpose just as well, as long as the objects in the print are large enough that the judge won't require a magnifying glass. Avoid using wide-angle or telephoto lenses which might distort the perspective of the picture.

When you go to the scene to take pictures, take them at the same time of day if possible, to show representative traffic. Take enough pictures of the area from enough angles to accurately show the area with the distances involved.

Green, yellow and blank. If you didn't see the red light, maybe it wasn't there.



DOES THE OFFICER TAKE PICTURES OF THE SCENE?

It is very unlikely that the officer would ever bring photos of the location to court with him. About the only time you might be faced with photos is in cases involving accident citations. The accident investigator may take pictures of the accident scene and related evidence such as skid marks which could be used as evidence.

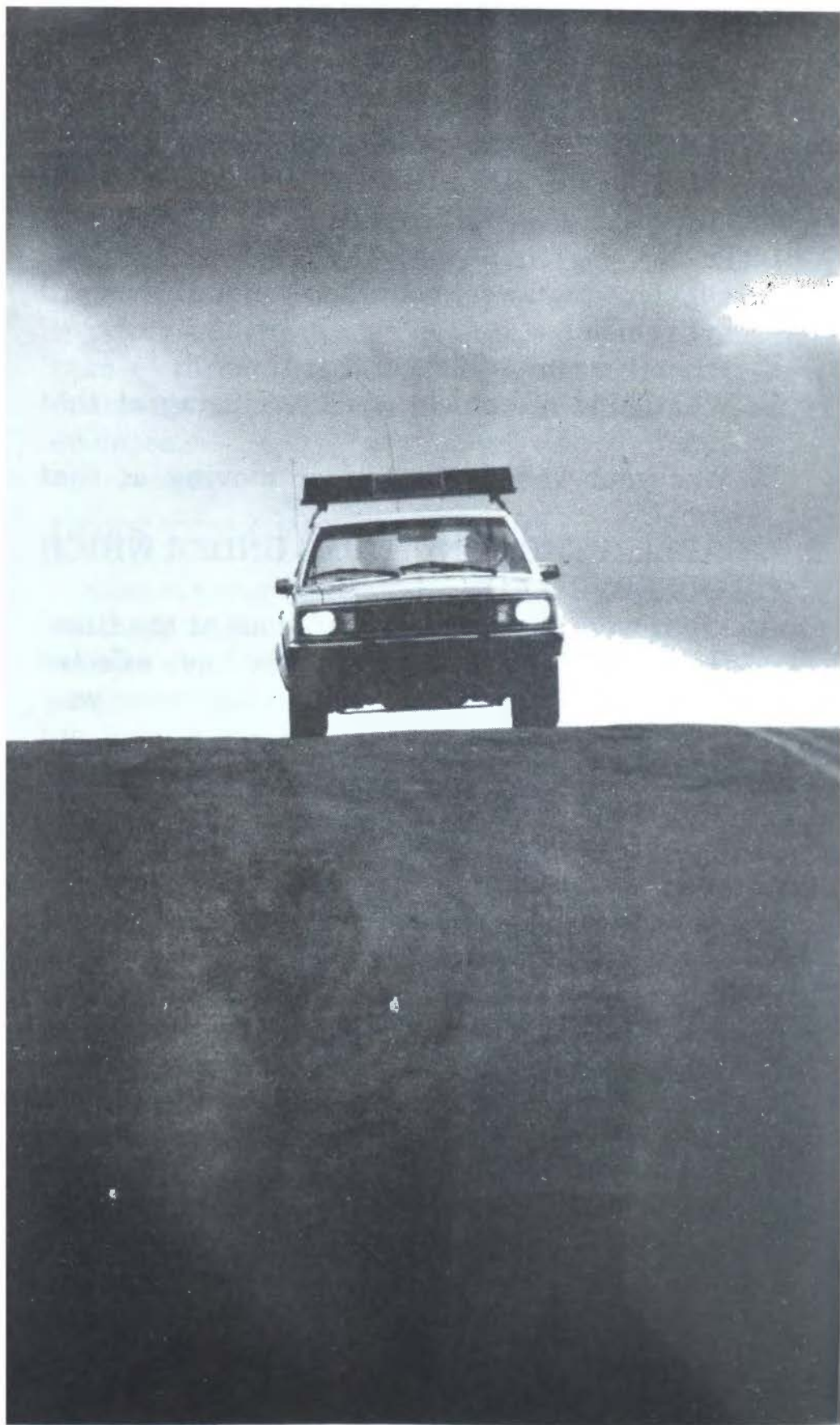
DOES THE OFFICER BRING WITNESSES?

Almost never (once again, accident citations could be an exception). Prosecuting a traffic citation is purely routine for the officer. In most cases, not even his partner will show up in court.

WHAT QUESTIONS SHOULD I HAVE PREPARED IN ADVANCE?

You should have a complete list of questions which are relevant to your violation and its elements. It is best to phrase most of the questions so that the answer will be negative, broken occasionally with some positive answers. These questions will vary depending on what you were charged with. For the purposes of discussion, we will cover two very common violations, a violation of the basic speed law, and an illegal left turn. Some questions apply to both violations. No matter what you are charged with, the principal of the questioning is the same.

1. ESTABLISH THE LOCATION OF THE OFFICER AT THE TIME HE FIRST OBSERVED YOUR VEHICLE. THIS WILL APPLY TO BOTH VIOLATIONS.
 - A. Officer, where were you when you first observed my vehicle?
 - B. Where was my vehicle at that time?
 - C. What kind of vehicle were you using at that time?
 - D. Was your vehicle parked or moving at that time?
2. ESTABLISH THE CONDITIONS UNDER WHICH HE OBSERVED YOU.
 - A. What were the weather conditions at the time? (If the weather was poor, it may have affected his vision. However, it would also make your speed more likely to be unsafe. Figure out whether the question will help or hurt you before asking.)
 - B. Officer, what were the traffic conditions at the time, with regard to my vehicle and other vehicles and persons on the roadway?
 - C. (If the officer was parked) Officer, was your engine running or off?
 1. (If off) What did you do to start your vehicle?
 2. Did you fasten your seatbelt?
 3. Did you use your radio? (The more he did, the less he was watching what you were doing.)
 - D. (If he started the engine) Did you start your engine before, after, or during your observation of my alleged violation? (If before, you can argue that he started to chase you before he thought



you had done anything wrong. If during, you can show that he was doing two things at once.)

- E. (If he was moving) Officer, how fast were you traveling?
 - 1. What lane was your vehicle in?
 - 2. What was the position of the sun in relation to your vehicle?
 - 3. How far away from my vehicle were you at that time?
- 3. ESTABLISH HIS OBSERVATION AND MEMORY OF THE LOCATION.
 - A. Officer, during the time you were following my vehicle, did you have a clear view of the roadway?
 - B. Were you observing the roadway and traffic carefully?
 - C. As a police officer, your powers of observation and your memory for such details are quite good, aren't they?
 - D. And your memory is clear as to the roadway and traffic conditions on (the street you were stopped on) at the time and date of my alleged violation?
 - E. (Now you question him about every conceivable detail and hazard of that particular stretch of road. Avoid hazards that may have been there. That's the prosecutor's job.)
 - 1. What was the width of the highway?
 - 2. What kind of area was it, residential, industrial or vacant land?
 - 3. Was there an island or divider strip down the center of the highway?
 - 4. What was the posted speed limit in that area? (Only use if the officer has already

Your questions may include the details of weather, traffic and road conditions.

stated in his testimony. Otherwise, you establish the element for the prosecution.)

5. Where were those speed limit signs posted?
6. Is that speed limit still in effect?
7. What was the speed of the flow of traffic?
8. How fast would you estimate the speed of my vehicle? (Omit if you were going faster than the flow.)
9. Now, in relation to that roadway, were there any sharp curves?
10. Were there any railroad crossings?
11. Were there any dips or hills?
12. Was the pavement under repair?
13. Were there any fallen trees?
14. Was there anything at all obstructing the roadway?
15. Was there a soft shoulder on the road?
16. Was there any water on the pavement?
17. Was there any gasoline on the pavement?
18. Was there any oil on the pavement?
19. Did you notice any foreign objects on the pavement at all?
20. Were there any pedestrians on the roadway?
 - a. How many and where were they?
 - b. Were there any pedestrians waiting to cross the roadway?
 - c. Were there any blind pedestrians in the roadway?
21. Were there any animals in the roadway?
22. Were there any children on bicycles in the roadway?
23. Were there any adults on bicycles in the roadway?

24. Did you observe my vehicle passing any others?
 25. Did you observe my vehicle passing more than (two or three or more, pick a number that's accurate) vehicles?
 26. And what lane were those other vehicles in?
 27. Were there trucks?
 28. Were there any other emergency vehicles other than yours on the the highway?
 29. Were there any vehicles waiting to enter the roadway from parking lots?
 30. From driveways?
 31. From side streets?
4. ESTABLISH HIS OBSERVATION OF YOUR ALLEGED VIOLATION.
- A. For speeding.
1. Officer, how many cars were there in the lane in which I was traveling?
 2. How close were the cars in front of and behind me?
 3. What was the speed of those vehicles?
 4. What were the conditions in the lanes to the right and left of my vehicle?
 5. And did you clock my vehicle with your speedometer, by a casual visual estimate or by some other means?
 6. Was that a calibrated speedometer?
 7. When was it last calibrated?
 8. Who calibrated the speedometer?
 9. What are their qualifications to calibrate?
 10. Do you have a Certificate of Calibration?
 11. What are your qualifications to estimate speed in this manner?

12. Did you have any special training to do this?
 13. How long did you pace my vehicle?
 14. How fast were you traveling to catch up to my vehicle?
 15. And did you display your red (or blue) light as required by law when you first began disregarding the speed limit to catch up to my vehicle?
 16. Did I pull over immediately?
 17. How long did you pursue me before I pulled over?
 18. Do you recall the reason you gave me when you first approached my vehicle, as the reason for stopping me?
 19. Do you recall the speed you claimed I was traveling at that time?
- B. For illegal left turn (violation of right-of-way).
1. Officer, did I come to a complete stop in the intersection before attempting to turn left?
 2. Was my turn signal in use and correctly operating?
 3. How far before reaching the intersection did I begin signaling?
 4. How close was the nearest oncoming vehicle?
 5. At what speed was the oncoming traffic approaching?
 6. Did you notice the driver of the nearest oncoming vehicle motioning to me?
 7. Did any vehicle swerve to avoid my vehicle?
 8. Did any vehicle have to lock up its brakes to avoid a collision?

9. Were there any traffic control devices operating in the intersection?
10. Was there in fact, an arrow to indicate a right of way for my vehicle?
11. Did any vehicle sound its horn during my turn?
12. Isn't it true, that the main basis of your evaluation of my turn as unsafe was based on the fact that oncoming traffic slowed?
13. In your experience, haven't you found that vehicles often slow when approaching an intersection, particularly when another vehicle is turning in the intersection?
14. And haven't you found that this is often due to common sense and caution rather than there existing an actual or immediate hazard?

This list was presented to give a general idea of the scope and nature of questions you can ask, all of which should be oriented toward your goal of establishing a reasonable doubt of the officer's observation of your violation, and of the existence of all of the elements of your violation. In preparing your list, you can begin by listing the elements of the violation, and using them as general headings on which to base your questions.

You can formulate an entire list of questions covering nearly every conceivable facet of your violation and the environment in which it occurred with a little imagination, and perhaps some additional input from your family or friends. You should also note the answers you expect to get.

When the officer deviates from the answers you expect to hear, you should either pursue the question to

get the whole truth of the matter, or else drop that particular line of questioning. If the answers seem to be headed toward revealing some damaging information, you may want to shift gears and go to a different line of questioning.

ARE RADAR VIOLATIONS HANDLED DIFFERENTLY?

As we discussed in our chapter, "Looking At What You Got," the prosecution will have to prove all of the elements of your violation. In the case of radar citations, there are some very special elements which the prosecution should prove. If these are not brought out in the officer's testimony, these missing elements are vulnerable to your attack. You should select those elements which you feel are most vulnerable in your particular case.

Whether or not you expose these vulnerable points through questioning the officer on cross-examination (and thereby give the prosecutor a chance to clear them up the best that he can on the recross), or whether you choose to bring them up in your closing statement (and let the prosecutor cover up to the best of his ability), is up to you. Depending on the nature of the case, you will probably want to do some combination of the two, along with any other evidence you may have.

Here are some of the elements of a radar citation which should be considered, elements which arise out of the law itself and from the rules of evidence:

A. THE BASIC ELEMENTS

1. The date, time and location of the alleged violation.
2. The fact that he was an on-duty police officer.
3. The officer was operating radar.
4. It was legal to operate radar at that location and that any required signs were posted and required surveys conducted.
5. A speed reading was present on the radar unit.
6. That speed was in violation of the law.

B. THE FACT THAT THE RADAR WAS OPERATING PROPERLY

1. Unit calibrated before and after violation (shows unit was accurate at time of arrest).
2. The calibration was performed correctly with a certified tuning fork.
3. The fork was accurate (need certificate from manufacturer).

C. THE FACT THAT THE RADAR WAS OPERATED PROPERLY

1. The officer's qualifications (training, experience) were adequate.
2. The radar unit was properly installed.
3. The radar unit was in the proper operating mode.
4. The radar was responding to your car and not to electronic interference.
5. The radar unit was properly aimed.
6. The patrol car (if moving) had maintained a constant speed to prevent "Batching" error.
7. The officer did not move the antenna prior to arrest (to prevent sweeping or panning errors).

8. There were no fans in operation, or windblown objects which could generate a false radar signal.
 9. There was no traffic adjacent to the path of the radar beam (frontage or service roads along highway).
 10. There were no other vehicles in the radar unit's beam.
 11. The unit had been cleared of the previous violator's speed.
 12. There was no other radar operating nearby to cause interference.
 13. That the unit was operated legally and was properly licensed with the unit's description and serial number on the station license.
- D. THE RELIABILITY OF THE OFFICER'S VISUAL TESTIMONY (Radar alone is insufficient)
1. Establish whether the officer's view was direct or reflected in his mirrors.
 2. Establish whether the officer observed the alleged speed first visually or by radar.
 3. Establish the officer's ability to judge speed and distance.
- E. THAT IT IS VALID TO ASSUME THAT THE SPEED SHOWN ON THE RADAR UNIT WAS THE SPEED OF YOUR VEHICLE
1. Establish the fact that radar beams cannot be seen.
 2. Establish the connection between the speed of your vehicle and the speed shown on the radar unit.

WHAT'S THE PURPOSE OF THAT ASSUMPTION?

It is a fundamental concept of our legal system that there has to be a necessary connection between the already proven fact (the number on the radar display) and the fact that has been presumed (that the number accurately represents the speed of your vehicle). This is part of what is called "Due Process."

It's up to the prosecution to prove that this connection exists in your particular case. The court usually relies on outdated legal cases and routinely assumes this connection. However, this assumption is wrong, and is something that you should force the prosecution to prove. If they don't, be sure to point this out in your closing argument to the court. You can also go on the offensive and set about disproving this connection yourself.

HOW CAN I DISPROVE THAT ASSUMPTION?

You can basically disprove that assumption by demonstrating to the court that the radar reading the officer observed may have arisen from one or more non-vehicular sources. There are three demonstrations that can be conveniently performed in the courtroom. All that is needed is a charged-up 12 volt car battery, a CB radio and antenna, the radar unit which you have hopefully subpoenaed into court and a "Y" connector with two cigarette lighter plugs attached.

Plug the radio and the radar unit into the "Y" con-

nector and connect it to the battery. Now you are ready for your demonstration.

1. If you mistakenly reversed the polarity on the wires, you will blow up the radar unit, demonstrating that it is inoperative and therefore your innocence is undeniable. (This method is not recommended.)

2. Operate the calibrate control. If it doesn't calibrate properly, you have once again shown that the radar was not operating correctly. If it does operate, respectfully ask the judge to point out the vehicle in the courtroom which is traveling at the speed indicated on the unit. (If this number happens to be the same speed you were cited for, you're home free!)

3. You might also point out to the judge that there is considerable difference between the reading on the radar unit and his visual observation (which showed nothing moving, thus a speed of 0 MPH).

4. Place the radar unit in either automatic or manual mode. Key the CB mike and whistle into it in a *clear* and *steady* tone until a number appears on the radar unit (usually takes at least 3 seconds). The higher the pitch of your whistle, the higher the number that will appear. This procedure demonstrates both radio and electrical interference. Once again you should ask the judge to point out the vehicle in the courtroom traveling at the speed indicated on the radar, and once again you should mention that there seems to be another difference of opinion between the two observations.

5. Turn up the audio on the radar and aim the antenna directly at the display from a few inches away, until you hear a steady tone. Point it steadily at the display until you get a reading. This demonstrates a

sweeping error which often occurs when the antenna is mounted inside the patrol car, or when the officer is pointing it around in different directions past the counting unit. Again, you can ask the judge if he observes any car in the courtroom traveling at that speed. By now, he should be catching on.

6. At this point move for a dismissal based on a demonstrated lack of due process connection. It should be honored by the court. If you are denied, you have established excellent grounds for a judicial review (an appeal) in a higher court.

HOW CAN I CHALLENGE THE OFFICER'S ABILITY TO VISUALLY ESTIMATE SPEED AND DISTANCE?

The classic method of testing the officer's ability to estimate distance is to ask him to estimate the dimensions of the courtroom. Unfortunately, this is one that they often teach the officer in the police academy and he may well have the dimensions of the courtroom memorized. You can still use this one though, but you should throw the officer a curve. Instead of asking the width or length of the courtroom, ask him the distance diagonally from corner to corner. Be sure to bring either a yardstick or a tape measure so the bailiff will be able to check the distance.

To disprove the officer's ability to visually estimate speed, take out a hard-boiled egg you have brought for the purpose and ask the officer to watch it carefully. (The whole courtroom will probably go silent as everybody focuses their attention on the egg expecting it to splatter on the floor). Drop the egg from a height which

you have already measured (it's best to use your shoulder height or your furthest reach over your head, as you can measure this accurately in advance and easily duplicate the same height in court). Then ask the officer the approximate speed of the egg when it hit the floor. Depending on the distance it was dropped from, here are the speeds of the egg when it hits the floor:

DISTANCE (FT.)	M.P.H.	FT. PER SEC.
2.5	8.624	12.649
3.0	9.447	13.856
3.5	10.204	14.966
4.0	10.909	16.000
4.5	11.570	16.970
5.0	12.196	17.888
5.5	12.792	18.761
6.0	13.360	19.595
6.5	13.906	20.396
7.0	14.431	21.166
7.5	14.937	21.908
8.0	15.427	22.627
8.5	15.902	23.323
9.0	16.363	24.000
9.5	16.812	24.657
10.0	17.248	25.298
10.5	17.647	25.922
11.0	18.090	26.532
11.5	18.497	27.129
12.0	18.895	27.712

The interesting thing about the "Egg Trick" is that it can work in both directions. If the officer is unable to "guess" the correct speed of the egg within a few miles per hour, you can tell the officer the correct speed and will have successfully demonstrated his inability to visually estimate speed. If however, he does come pretty close you can just thank the officer and go on to your next question without telling him whether he is right or wrong. Usually neither the judge nor jury have any idea how fast the egg may have been traveling, and will also doubt the officer's ability to judge that speed.

WHY DOES IT MATTER IF HE SAW MY CAR OR THE RADAR READING FIRST?

The order in which he observed the speed shown on the radar unit and the visual observation of your car can be a vulnerable point in the prosecution's case, and once again it is something that you can use to your advantage no matter which order he followed.

If he observed the speed on the radar unit and then looked at your car, you can argue that the reading he observed on the radar unit prejudiced his observation of your vehicle and prevented him from fairly and accurately estimating your speed.

On the other hand, if he claims he visually estimated the speed of your vehicle before looking at the reading on the radar, he is claiming that the range of his visual powers are greater than that of the radar unit. If he has already given some ridiculous distance as the range of his radar unit, it casts a lot of doubt on the credibility of his testimony.



IS THERE A SPECIAL LINE OF QUESTIONS I SHOULD ASK IN RADAR CASES?

If you were caught by a radar unit, there are some very special questions you will want to cover in addition to the preceding questions dealing with the road, traffic and weather conditions. These questions should generally be phrased so they tend to generate a "No" answer from the officer, as every "no" helps to erode his credibility as an "expert witness" and helps lend support to establishing a "reasonable doubt."

Presented here are only a few of the many questions you may wish to ask the officer about radar. This list is by no means complete, or even organized into the best order for your particular case. With a little time and imagination, you should be able to come up with many more questions. Before you go into court, be sure that you are very familiar with our chapter on radar, *Electronic Wizardry*. That way you'll know what answers to expect and will be able to recognize incorrect responses from the officer.

A. QUESTIONS REGARDING THE BASIC ELEMENTS OF A RADAR CITATION.

1. Officer, were you using radar at the time of my alleged violation?
2. Where was your patrol car located?
3. Were you hidden from traffic?
4. Would you agree that the purpose of traffic safety radar is to slow traffic down?
5. Don't you feel that hiding defeats that purpose?
6. Does hiding allow you to surprise a lot of motorists?

7. How many motorists did you cite on the day of the alleged violation?
8. How many radar citations do you write on an average day?
9. Do you know if that is about average for a traffic officer in your agency?
10. How many officers does your agency employ?
11. So that works out to roughly (# of citations) per day that are issued by your agency: is that correct?
12. Now, if you write an average of (# of citations) on an average day, am I correct in assuming that you have written several hundred citations since you stopped my vehicle.?
13. But you feel that you can still remember my vehicle and my alleged violations out of all those others?
14. Is it legal to use radar in the city of (where you were stopped)?
15. Is it required by law to have signs posted regarding the use of radar?
16. Were those signs posted at the time of the alleged violation?
17. Where were those signs posted?
18. Does this state require a Traffic Engineering Survey on all highways where radar is in use?
19. Has such a survey been conducted on the highway at the specific location involved in my alleged violation?
20. When was that survey conducted?
21. What did that survey show as a safe speed for that highway?
22. Who conducted that survey?

23. What type of radar were you using?
24. What was the make and model of that unit?
25. Is that a stationary or a moving radar?
26. (If a moving radar) What mode was the unit in at the time of my alleged violation?
27. Did you show me a speed reading on your radar unit at the time you stopped my vehicle?
28. What was the speed displayed at that time?
29. What was the speed posted on that highway?
30. I know you weren't clocking any vehicle at the time you showed the unit to me, so how was that speed displayed?
31. Can you preserve any violator's speed merely by using this "lock" button?
32. How do we know that the reading you showed me at the time I was stopped was not another violator's?

B. QUESTIONS REGARDING THE OPERATING CONDITION OF THE RADAR UNIT.

1. Officer, can you tell us basically how radar works?
2. Are you familiar with the term "calibration"?
3. Would you tell us what the purpose of calibrating the radar unit is?
4. Was the unit you were using calibrated at the time of my alleged violation?
5. How was that unit calibrated?
6. When was the last time it was calibrated *before* my alleged violation?
7. When was the first time the unit was calibrated *after* my alleged violation?
8. Who calibrated the unit?
9. What method was used to calibrate the unit?

10. Is your unit equipped with a so-called "internal calibration" feature?
11. So by merely pushing a button or turning a knob this speed appears on the display?
12. Do you know what a certified tuning fork is?
13. Have you ever seen a radar tuning fork?
14. Did you bring such a fork to court with you?
15. Did you calibrate your radar with a fork at the beginning of your shift on the day of the alleged violation?
16. Did you calibrate your radar unit with a fork at the end of your shift?
17. Did you calibrate your radar with a fork immediately before you first observed my vehicle?
18. Did you calibrate your radar with a fork immediately after citing my vehicle?
19. Are you aware of the manufacturer's recommendation that the radar operator calibrate his unit with a fork at the beginning and end of every shift and before and after every violation?
20. The manufacturer also recommends that careful records be kept of all these calibrations. Does your agency keep such a log?
21. Do you have this calibration log with you today?
22. Now, officer, about this tuning fork. Could you explain how it is used to calibrate the radar unit?
23. By merely striking the fork and holding it near the unit it will display a speed reading, is that correct?

24. Are you aware that those forks are available from the manufacturer in every 5 mile per hour increment from 25 to 100 miles per hour?
25. Was the fork you used certified as accurate by the manufacturer?
26. Do you have a Certificate of Calibration for that fork?
27. Did you bring that certificate with you today?
28. The manufacturer of the radar unit recommends that your agency maintain a regular program to inspect and calibrate your tuning forks, as they may be bent or damaged and drift off the frequency. Do you have such an inspection program?
29. When was the fork you used last calibrated?
30. Do you have a record of that calibration?
31. Did you bring that record with you today?
32. Did your radar unit come from the manufacturer with a Certificate of Calibration and Type Acceptance?
33. Did you bring that certificate with you today?
34. Are you the only officer who uses that radar unit?
35. How many other officers use that same radar unit?
36. To the best of your knowledge, has that radar unit ever malfunctioned or required repair in any way?
37. Approximately how many times in the last year has that particular unit been into the shop for service of any kind?
38. Are maintenance records kept on that radar unit?

39. Have you ever read through those records?

40. Did you bring those records with you today?

C. QUESTIONS REGARDING THE CORRECT OPERATION OF THE RADAR UNIT.

1. Have you ever had any training in the use of radar?

2. Where did that training take place?

3. What were the approximate dates of that training?

4. How long did that training last?

5. By whom were you trained?

6. What were their qualifications to train you?

7. Did they at any time determine your abilities by testing your use of knowledge of radar?

8. Have you had regular proficiency tests since that time?

9. Have you had any proficiency tests in the use of radar at any time since that training?

10. On any tests on the use of radar that you have taken, was your proficiency rated as Good, Fair, or Unacceptable?

11. How would you rate your proficiency in the use of radar today?

12. Do you have any record of your radar training?

13. Did you bring that record with you today?

14. Were you given a diploma, certificate, or anything at all to indicate that you are qualified to operate a radar unit?

15. Did you bring that with you today?

16. Officer, what was the weather like on the day of the alleged violation?

17. Are you aware that direct sunlight and temperature can effect the reading of your radar unit?

18. Is your radar unit equipped with a device which allows you to check all of the segments of the speed display?
19. Are you aware that one or more unlit segments of that display could mislead you by showing a false number, for instance, by showing a 6 as a 5, or a 7 as a 1, depending on which segments were burned out?
20. Had you made a check of all those segments on the day of the violation?
21. Had you made a check of all these segments immediately before clocking my vehicle?
22. Was your patrol car running or was the engine off?
23. Did you know that when starting the patrol car, the voltage drop may cause a spurious reading?
24. Was the radar unit electrically attached to the car by means of a cigarette lighter plug or through direct wiring?
25. Have you ever checked that connection?
26. Are you aware that a poor, faulty or dirty connection may result in a spurious reading?
27. Was your radar unit in operation immediately before clocking my vehicle?
28. How long had it been since the unit was turned on?
29. Do you know that many radar manufacturers specify a lengthy warm-up period before their unit can be used?
30. Do you know what the specified warm-up period for your radar unit is?
31. Have you ever used your stationary radar in a

- pacing mode, to establish the patrol car's speed while pacing a possible violator?
32. Can you lock in the patrol car's speed for future reference?
 33. So the speed you show to the motorist could just as easily be the patrol car's catch-up speed as the speed you clocked the motorist at?
 34. Have you ever had an unexplained, spurious signal appear on your radar unit when there were no vehicles within radar range?
 35. Isn't it true that a wind-blown tree limb or sign can also generate spurious signals?
 36. Isn't it true that rain, fog and blowing dust all have an effect on your radar unit's operation?
 37. Was your patrol car equipped with a Citizen's Band radio?
 38. Was there any CB traffic present at the approximate time of the alleged violation?
 39. Are you aware that by whistling into the microphone of a CB radio, you may often generate a false radar signal?
 40. Are you aware that nearby radio transmissions of any sort may cause a spurious radar reading?
 41. Do you know what a harmonic frequency is?
 42. Are you aware that harmonic frequencies can generate false signals on a radar unit?
 43. Are you aware that electrical storms, power transformers and transmission lines, neon lights and automobile invertors are all capable of generating harmonic frequencies which can affect radar?
 44. Are you aware that you can clock trains or aircraft with your radar unit?

45. Are there any airports or railroad tracks near the location of the alleged violation?
46. How was your radar antenna mounted on the vehicle?
47. How easy or difficult is it to change the position of that antenna to face a different direction?
48. Are you aware that by sweeping the antenna around it may read the relative ground speed of the scenery going past and lock onto that false reading?
49. At any time in your operation of that radar unit, was the antenna pointed at the counting unit?
50. Are you aware that by aiming the antenna at the counting unit, even briefly, you may generate a spurious reading?
51. Have you ever aimed the antenna of your radar unit toward the dashboard of your car?
52. Are you aware that by doing this, you may actually be clocking the heater or air conditioner fan?
53. Is it true that your radar unit tends to track the strongest signal?
54. Are you aware of the fact that a large vehicle behind a smaller vehicle, which is actually closer to the radar unit, may generate the strongest signal?
55. What frequency does your radar unit broadcast on? (He may tell you the band, but press for the frequency.)
56. Does your agency have a license to broadcast

on that frequency in accordance with the current Federal Communications Commission Rules and Regulations, Volume 5, Part 89?

57. Is the frequency you state your radar operates on one of those authorized on your FCC station license?
58. Are you familiar with that license?
59. Do you know whether the operation of your radar unit is legal?
60. How many radar units does your agency operate?
61. Do you know how many units are authorized on your license?
62. Is there any record of which unit you used for this particular citation?
63. Do you know the serial number of that unit?
64. Is this one of those covered and listed on your FCC license?

D. QUESTIONS REGARDING THE RELIABILITY OF THE OFFICER'S TESTIMONY

1. Officer, what is the width of your radar unit's beam? (He will usually answer by telling you the number of lanes it covers.)
2. Can you tell us your beam width in degrees?
3. When you actually made the speed estimate, were you watching the radar unit or my vehicle?
4. (If watching the radar unit) So when you observed my vehicle, you had already formed an opinion of my vehicle's speed, is that correct?
5. (If watching your car) So you saw my vehicle and estimated its speed visually *before* it was picked up by your radar unit?

6. Were you watching my vehicle directly or in your rearview mirror?
7. Doesn't your mirror have a much wider angle of view than what you have previously testified was the width of your radar beam?
8. How do you know the radar beam was aimed at my vehicle?
9. Do you aim the unit down the roadway every-time you set up the radar units?
10. Do you re-aim the unit after every citation?
11. Was the radar unit aimed *exactly* at my vehicle?
12. Roughly how many degrees off dead-center was it?
13. Are you aware of the term "Cosine Angle Factor" as it applies to traffic radar?
14. Did you know that a cosine angle factor can cause an error in the radar's accuracy in determining the speed of an approaching vehicle by as much as 32% at an angle of only 45° and that the error begins and increases as the radar unit varies from other than a direct path with the violator?
15. How fast do you claim I was going? (Let's use 65 as an example.)
16. Why did you stop me for allegedly doing 65 MPH? (Usually he will answer, "Because you were violating the law.")
17. Would you have cited someone traveling 56 MPH?
18. How about 57?
19. 58? 59? 60? 61? 62? 63? 64? (At some point he will respond.)

20. But that's only a one (or whatever) MPH difference between my alleged speed. They were violating the law. If radar is as accurate as you say, why don't you stop everyone whom the radar shows is violating the law?

These few sample questions can represent a real challenge to most officers and are sure to raise more than a few doubts in the minds of the judge or jury about the accuracy of the radar reading and the proficiency of the operator. These questions were only presented as an example on which you can build and base your own questions to suit your own defense. Most of these questions could easily be adapted to cases involving VASCAR and stopwatches as well. It is very important that you organize your questions so that one builds on the foundation of the previous question and the whole line of questioning is presented in a logical, easy-flowing manner which is designed to lead both the judge and jury to the conclusion you want.

You should be sure to keep track of the officer's answers and be prepared to use those answers and benefit from them in your closing statement.

ARE THERE ANY OTHER APPROACHES?

Yes, as we have previously stated, radar lacks the necessary due process connection, and its admission as evidence without establishing all the other subelements constitutes a violation of the 14th Amendment of the Constitution. If your case is really blatant, you can file a civil action in a federal court naming anyone involved (like the officer, prosecutor, judge, etc.). A

lawsuit such as this should be filed by a competent attorney pursuant to 42 U.S.C. Section 1893.

The purpose of this lawsuit is not to collect damages, but rather to do damage to the offenders. A prosecutor confronted with a federal suit will plea bargain in earnest since *his* only advantage now lies in *your* acquittal.

This suit can be filed prior to your trial based upon your knowledge that the particular radar used lacks the required connection and citing the discrepancy between your speed and the cited speed. The suit can also be filed after your initial trial by citing additional specific grounds for the suit. This approach is more viable, and the effort is more in line with the stakes involved.

These lawsuits are serious business that will take up a considerable amount of your time and money, but if you're serious enough about your tickets, it's something that you may want to consider.

DOES THE PROSECUTION HAVE QUESTIONS PREPARED TO ASK ME?

Usually the prosecutor's office supplies him with a manual outlining the steps necessary for a successful prosecution of all the various offenses. Included with a description of the offense is a list of questions that should be asked for the prosecution to prove all of the elements of the crime. Sometimes on routine traffic matters, the prosecution may relax and ad-lib his way through the case without bothering to refer to the manual. This is why it is important for you to keep track of the elements the prosecutor covers.

The prosecutor's first contact with the officer is often just moments before the trial. If the offense is a serious one, he may jot down a few quick questions to ask you in court. The majority of times, the prosecutor is basically unprepared to present his case, and will depend on his "superior" professional knowledge and experience to present a successful prosecution.

WHAT KIND OF EXPERIENCE DOES THE PROSECUTOR USUALLY HAVE?

In smaller jurisdictions, one prosecutor may handle all of the city's cases, from traffic to serious criminal matters. In that case the prosecutor may have a considerable amount of experience.

In very large cities, the turnover rate within the prosecutor's office is usually very high. (A lot of the attorneys move to a private firm after getting a start in the prosecutor's office). Traffic cases are often considered the bottom of the ladder, and are frequently assigned to the most inexperienced rookie in the office. Prosecutors who appear in the traffic courts of the larger jurisdictions will frequently have very limited experience.

HOW DO I KNOW THE OFFICER'S EXPERIENCE?

You can usually determine the officer's experience by the degree of composure he can maintain on the stand under direct testimony and cross-examination. Rookies tend to stammer and may seem unsure of some of their answers and often present beautifully detailed diagrams.

Sometimes the notes on the back of the officer's copy of the citation may be very extensive.

LIGHT MODERATE HEAVY CLEAR CLOUDY WET DRY

ON I-205 (N/B)

9346 77

4-5-78 30 40 50 62 67 73 83

I-205 (N/B)

N/B I-205 S/S = CARROLL CYN. PK.

OF

APPROX. 6 FEET

1 MI. PACE

6 CAR LENGTHS N-2 LN.

I WAS NB I-205 FROM
GOVERNOR DRIVE. OBS. SUBT. IN N-1
LANE PASSING TRAFFIC, ON MY
ENTERING FWY. I IMMED. BEGAN
A PACE, WITH SUBT. PULLING AWAY
@ IND. 68 MPH (ACT. 70 MPH)
FOR 1 MI.

STATED HE WAS TALKING
WITH HIS WIFE & WASN'T
WATCHING HIS SPEED - THOUGHT
HE WAS JUST KEEPING UP WITH
TRAFFIC.

On the other hand, veteran officers tend to nod off asleep in the back of the courtroom until they're called on to testify, are cool and collected under fire (even when they're really unsure of themselves), and present simple, crudely drawn (but complete) diagrams.

If you think the officer's experience might be of benefit to your defense, ask him about it in cross-examination. In fact, the prosecutor may establish the officer's qualifications as part of the officer's direct testimony.

HOW DOES THE OFFICER REMEMBER WHAT I DID?

The officer's memory of your violation is usually pretty faint, unless you did something unusual that really stands out in the officer's mind. For the most part, the officer will base his testimony on the citation and his notes.

DOES THE OFFICER HAVE TO TELL THE TRUTH?

The officer is sworn to tell the truth the same as any other witness, and any failure to do so could be considered as perjury (a felony). The officer's driver's license isn't riding on the outcome of the case, and he really has no motivation that would cause him to lie in court. However, some officers may tell little "white lies" or half truths. You shouldn't expect the officer to tell an outright lie, but you shouldn't expect him to volunteer damaging information either. As an example, the officer may testify that a street has been surveyed for

speed, but fail to mention that the last survey was conducted in 1902.

This question, like many other facets of the officer's testimony, depends almost entirely on the integrity of the officer. If you've made the citation into a grudge match between you and the officer, he might be tempted to give some misleading or incomplete answers, but the vast majority of officers would never even consider any form of outright deception on the witness stand.

DOES THE OFFICER EVER ASK ME QUESTIONS DURING THE TRIAL?

The officer will never ask you a question directly, other than asking for clarification of any question he

Your own statements at the time of the violation may be brought up again in court.

@ IND. 68 MPH (ACT. 70 MPH)
FOR 1 mi.

STATES HE WAS TALKING
WITH HIS WIFE & WASN'T
WATCHING HIS SPEED - THOUGHT
I WAS JUST KEEPING UP WITH

might not understand when you cross-examine him. However, when the prosecutor is cross-examining you, the officer is usually sitting at the prosecutor's table, slipping him questions and whispering in his ear.

CAN I ASK TO SEE HIS NOTES?

The officer is probably basing his testimony on his notes, and you should definitely ask to see them. His notes may be confined to the back of his copy of the citation, or he may have additional notes on a separate piece of paper. Either one is fair game and may prove very upsetting to the officer. If you demand a "sneak preview" of the officer's testimony, be sure not to give him the opportunity to expand on any damaging information that might be mentioned in his notes. If the information in his notes appears to benefit your case, you should ask the judge to enter them into evidence.

If the officer testifies to anything during the trial that is not written on the front of the citation or in his notes on the back, you should challenge that testimony. He has written several hundred citations since yours and any testimony he gives regarding facts not documented at the time of the violation will be viewed as questionable by the judge or jury. Remember, you've probably had just the one citation since that day and your memory of the event and its specific details will be far better.

Have the officer explain his notes, you might not be interpreting correctly.

LIGHT CLEAR WEI
CLOUDY DRY

REPORTING OCCURRED ON I-805 (N/B)

9346 OTHER 77
4-5-78 MAKE

30	40	50	60	65	70	80
32	42	52	62	67	73	83

I-805 (N/B)

N/B I-805 Spd = CARROLL CYN. RA.

OF

APPROX. 6 VEHs.
1 MI. PACE
6 CAR LENGTHS N-24

I WAS N/B I-805 FROM
GOVERNOR DRIVE. OBS. SUBT. IN N-1
LANE PASSING TRAFFIC, ON MY
ENTERING FWY. I IMMED. BEGAN
A PACE, WITH SUBT. PULLING AWAY
@ IND. 68 MPH (ACT. 70 MPH)
FOR 1 MI.

IF I CAN'T READ HIS NOTES, OR DON'T UNDERSTAND WHAT HE HAS WRITTEN, CAN I ASK HIM TO EXPLAIN THEM?

Absolutely, in fact, even if you think you *do* understand them you should still have the officer give his explanation. Many times the officer will have a place to comment on your attitude on the back of the citation. You can really jump on a comment like this ("Did you write the ticket because of my driving or my attitude?"). You should also look for any comment like "C.B." or "Radar Detector" that could indicate he wrote you out of prejudice for persons using this type of equipment rather than because of any alleged violation of the vehicle code. You should also question the officer about any apparent erasures on his copy of the citation.

WHAT IF HE DOESN'T HAVE ANY NOTES?

Occasionally, the officer won't have any notes at all. If this is the case at your trial, ask the officer why there are no notes. After he explains, ask him again about his recollection of the day of the alleged violation, and ask him if he is absolutely sure that he is not confusing you with some other violator.

WHAT ELSE DOES THE OFFICER BRING INTO COURT?

About the only thing that the officer may bring to court with him are his copy of the citation, a diagram of the location of your alleged violation, and possibly

the speedometer calibration sheet from his patrol car (if your speed was established by pacing).

WHAT IS A SPEEDOMETER CALIBRATION?

A speedometer calibration is a verification of a patrol car's speedometer accuracy which is conducted at periodic intervals (usually every few months, but this will vary from agency to agency). This is usually done by placing the patrol car on a dynamometer or by checking the speedometer against the readings from a radar gun. This calibration is usually carried in the car for the officer's reference and may be duplicated on the back of the citation for later use in court.

The speedometer calibration merely shows that the speedometer was accurate at the time it was calibrated, and proves nothing about its accuracy at the time of the violation. To prove this, the car would have to be calibrated both *before and after* your violation. If the officer brings any calibration document to court at all, it will usually show only the calibration prior to your violation and will not show any calibration that may have been performed since that time.

A motorist who is clocked by a pacing patrol car often gives up all hope of fighting their case in court. There's a feeling among laymen that the pace is absolutely irrefutable evidence. Here's a few sample questions that you might ask the officer who claims he paced you at a certain speed:

1. Officer, were you riding alone, or with a partner at the time of the alleged violation?
2. Were you or your partner driving?
3. (If partner was driver) Despite the fact that you were not driving the vehicle, is it true that you wrote the citation?
4. Did you actually observe the speedometer yourself?
5. What was the speed indicated on the speedometer?
6. Was that a calibrated speedometer?
7. What date was that speedometer calibrated on?
8. What were the results of that calibration? (Most will give an error factor.)
9. Did you have a certificate or other record of calibration in the patrol car on the day of my alleged violation?

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
SPEEDOMETER CALIBRATION CHART

DATE <i>12-30-77</i>	VEHICLE NUMBER <i>9346</i>								
MILEAGE <i>29</i>	TEST EQUIPMENT SERIAL NUMBER <i>60783</i>								
NAME(S) OF PERSON(S) MAKING CHECK <i>The Law</i>									
VEHICLE READS	30	40	50	55	60	65	70	80	90
ACTUAL SPEED	<i>31</i>	<i>41</i>	<i>51</i>	<i>56</i>	<i>61</i>	<i>66</i>	<i>71</i>	<i>82</i>	

CHP 227 (REV 10-74) USE PREVIOUS EDITION UNTIL DEPLETED

10. Did you bring that document with you today?
11. Do you drive only this particular patrol car?
12. Is it possible that you remembered the error from another patrol car while you were determining my speed?
13. Who performed the calibration of your speedometer?
14. What were the qualifications of the person who performed this calibration?
15. Was a calibration performed after my alleged violation which indicated that the speedometer was accurate then?
16. Was a record or certificate made of that calibration?
17. Did you bring that document with you today?
18. Is it true that these routine calibrations are performed because of tire size variance and other possible mechanical changes which might affect the speedometer reading?
19. What was the tire size of your patrol car?
20. Is your patrol car equipped with a spare tire?
21. What is the size of that spare tire?
22. Are you aware of the fact that changes in the tire pressure will cause variances in the circumference of a tire?
23. Were your tire pressures checked on the day of the alleged violation?
24. Were those pressures the same when your speedometer was calibrated?
25. Officer, when was the last time that the patrol car you were using had a flat tire, a tire replaced, or the tires rotated?
26. Is it true, Officer, that you computed my speed

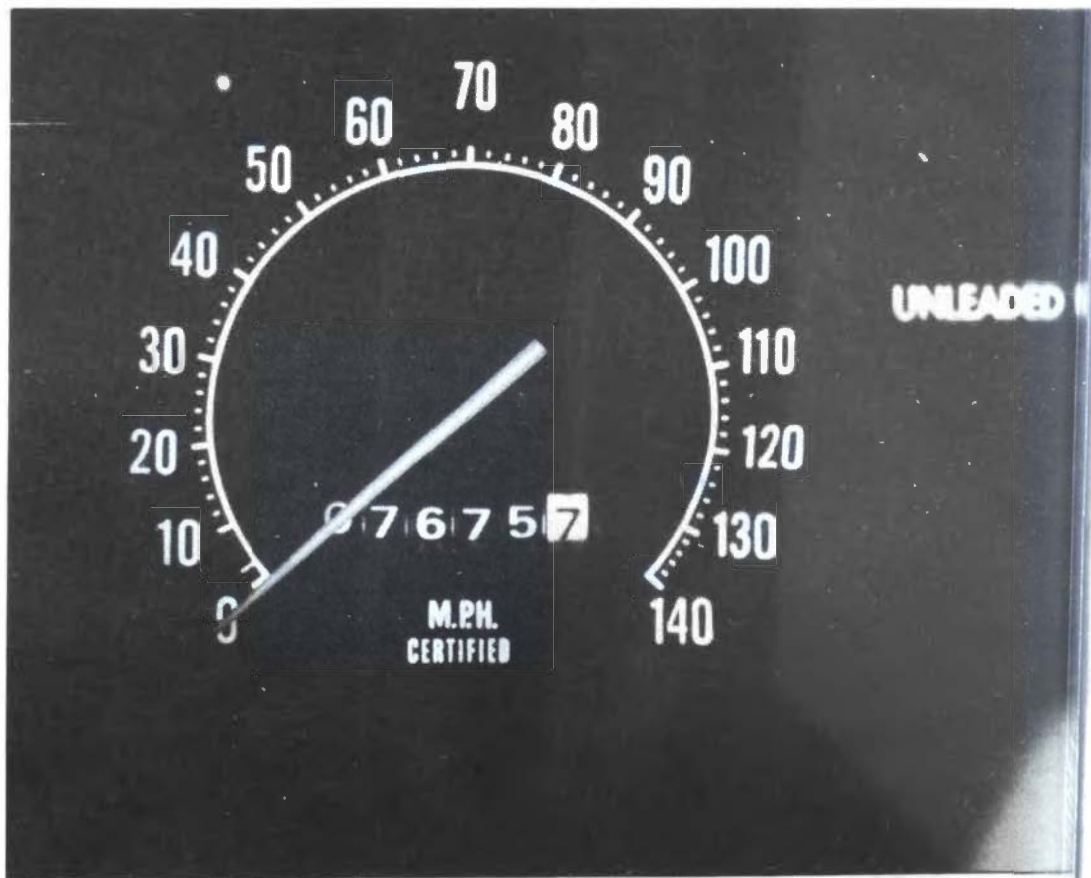
based solely on your speedometer reading and only checked your error factor after issuing the citation?

27. Is it likely that the speedometer in my vehicle could also have a certain percentage of error?
28. Isn't it true that the combination of the two error factors could amount to a substantial difference in the apparent speed?

WHERE DOES THE OFFICER GET HIS SPEEDOMETER CALIBRATED?

Similar to his radar unit, the patrol car's speedometer is calibrated by police mechanics in the police

A police car's speedometer is designed to make pacing easy.



garage facility. A relatively small staff (perhaps as small as a single mechanic) is responsible for testing and keeping the records on hundreds of patrol cars in addition to their routine maintenance duties. This has been compared to leaving the fox to guard the chicken coop. And in this case there's a lot of chickens in the coop.

SHOULD I HAVE MY SPEEDOMETER CALIBRATED ALSO?

If the speed of your vehicle was established by the patrol car pacing you and your speedometer didn't agree with the officer's, then having your speedometer calibrated could be a good idea. If it's a question of your word versus the officer's, having your own calibration performed can add a lot of credibility to your testimony.

WHERE CAN I HAVE MY SPEEDOMETER CALIBRATED?

Many automotive repair facilities, particularly those maintained by large automobile dealers, have dynamometers which can be used to calibrate your speedometer. In addition, many small auto radio repair and speedometer repair shops have complete facilities for speedometer calibration. These can be located in the Yellow Pages of the telephone directory, listed under "Speedometer."



SAN DIEGO SPEEDO-TACH

Many businesses specialize in nothing but speedometer repair and calibration.

HOW MUCH DOES IT COST?

Speedometer calibrations are simple to perform and rather inexpensive. A typical calibration will cost from \$7.50 to \$25.00 depending on how they correct the problem (if any). This may consist of actually changing the gear drive of the unit, to merely pasting a sticker on the face of the speedometer telling you what the error is. However it is done, be certain to get a certificate of calibration, a letter or other document certifying that the speedometer was checked and showing the results of that calibration. This document should be brought with you to court.

WHAT'S THIS TRAFFIC ENGINEERING SURVEY YOU MENTIONED?

The traffic engineering survey is the engineering study which examines highway and traffic conditions in order to establish the proper speed limit in an area. This survey includes a measurement of the prevailing speeds that motorists are actually traveling at, a check on accident records for the area, and an examination of highway and roadside conditions and potential hazards which may not be readily apparent to the driver.

HOW CAN THE TRAFFIC ENGINEERING SURVEY AFFECT YOUR CASE?

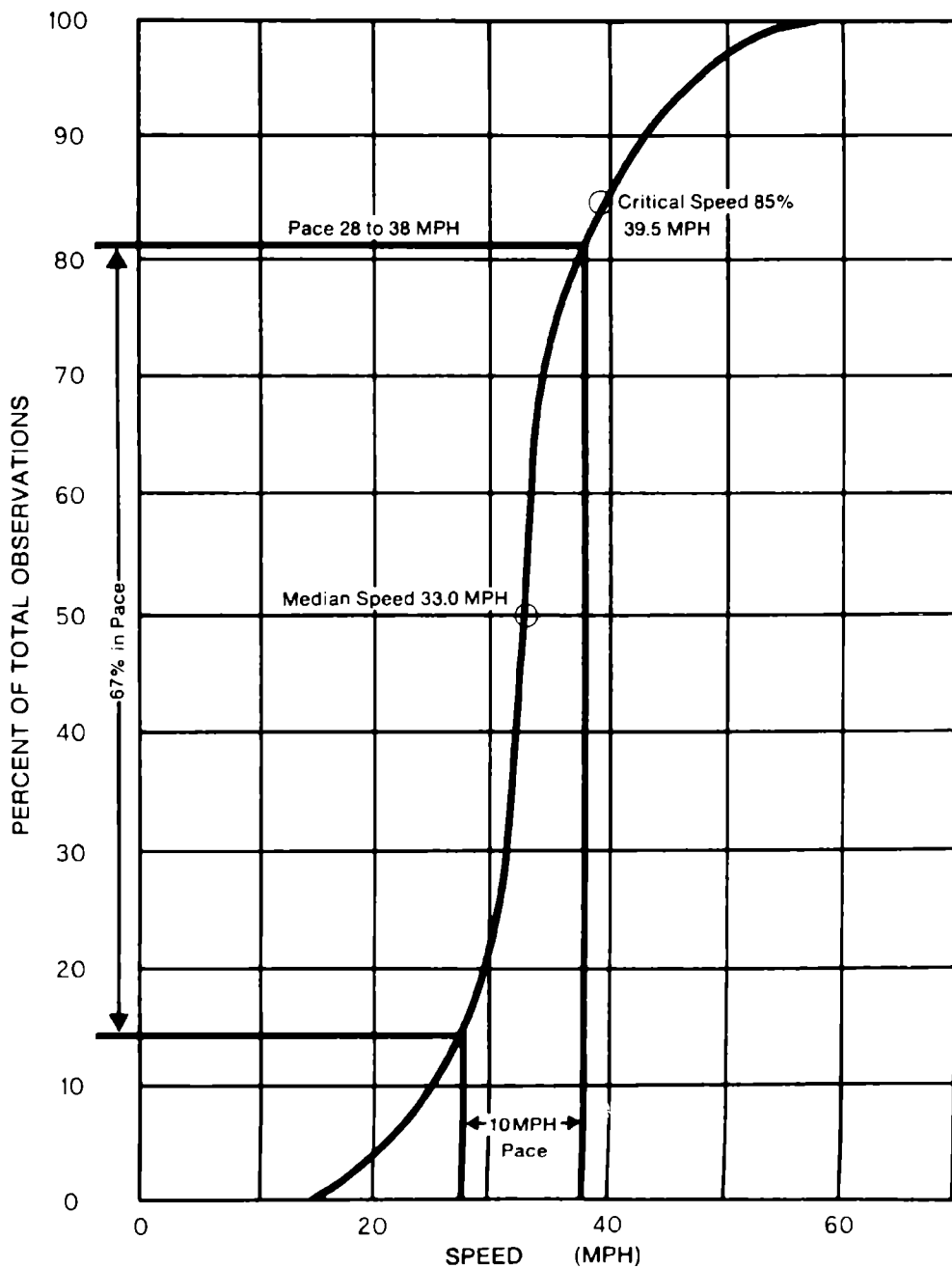
The traffic engineering survey is the only justification that the city has for posting the speed limit (other than the state maximum limit). If conditions have changed significantly since the survey which established the speed limits was conducted, that posted speed may no longer be valid and would be a reason for arguing your case.

In many states, a traffic engineering survey which is no more than five years old is required on any street on which radar is used. These states make the evidence from a radar unit operating on an un-surveyed street inadmissible in court, and can be a reason for having your case immediately dismissed.

WHERE CAN I FIND THE TRAFFIC ENGINEERING SURVEY?

The traffic engineering surveys are part of the records maintained by the Engineering Department of

CUMULATIVE SPEED CURVE



LOCATION

TIME TO

DIRECTION

PRESENT SIGNED ZONE MPH.

DATE

NUMBER OF VEHICLES 100

your city or county. These records are usually available at City Hall (in a large city the Engineering department may have a separate office) or County Operations Center.

HOW DO I PREPARE MY TESTIMONY?

Your own testimony is very simple to prepare, it's simply your version of the story. You should practice this presentation by telling it to your friends and family a few times until you are familiar with the material, but avoid memorizing the testimony as a speech. You should make notes, outlining briefly the points you wish to cover in the order you think best presents your viewpoint. Since you are representing yourself, the judge will allow you to take the witness stand and state in a narrative form your version of the alleged violation.

You are not required to testify, in fact, it is one of your constitutional rights. The prosecutor can't use your failure to testify against you in any way, although it might cause a few raised eyebrows among the jury. However, if you feel you have adequately established your defense through the cross-examination of the prosecutor's witness(es), and you fear that the prosecutor may uncover something when he cross-examines you, you may wish to avoid testifying. If you had other witnesses in the car at the time of the alleged violation, you may wish to establish your case entirely through the examination of your witnesses.

SHOULD I TRY TO COME ON LIKE PERRY MASON?

No, your testimony should be *un*professional, sincere and conversational in nature. You want to generate sympathy with a jury of laymen, and acting like a legal professional isn't the way to do it. If you try to act the part of a lawyer, you may find the rest of the court expecting you to know and follow all of the proper procedures. Appearing to be an inexperienced (but well-informed) layman is usually to your benefit.

WHAT SHOULD I SAY IN MY TESTIMONY?

The only thing you should say in your testimony is a narrative description of the details of the incident as you saw them. You should not attempt to be argumentative, but should just present the facts as you see them, in the order in which they occurred. The notes for a typical testimony for an alleged violation of the maximum speed limit might be as follows:

1. Alleged violation occurred at 1:00 a.m.
2. Virtually no other traffic on freeway.
3. Driving in #3 of four lanes.
4. No other traffic within half a mile.
5. Weather was dry and clear and the freeway was well lighted.
6. My speed was a steady 55 to 60.
7. I noticed the headlights of the patrol car immediately as he came down the on-ramp after me.
8. I immediately reduced speed to exactly 55 miles per hour.
9. He pulled me over after less than one quarter

of a mile and charged me with doing 65 miles per hour.

10. He stated at the time that he had paced me for over a mile.
11. He also stated that he had clocked me as high as 70 miles per hour, but would give me a "break" by only writing me for 65.

You can then state in your argument that you feel the officer misinterpreted what he saw, and that he had no opportunity to accurately observe your speed. Your entire attitude should not be that the officer was lying about the facts of the case (even if he were), but that he had merely made an honest mistake.

WHAT SHOULD I AVOID SAYING IN MY TESTIMONY?

Don't say anything that could be used as an admission that you actually violated the law. If you were to say, "I didn't see the officer at all when I ran the red light, so I don't understand how he could have seen me," the prosecutor will be sure to extract your statement, "I ran the red light" and use it against you in his final argument. A proper way to phrase the statement would be, "I didn't see the officer at the time of the alleged violation."

You should also avoid any statements which don't relate to the specific incident. Your past driving record and present driving habits are not on trial and have no bearing whatsoever on the case. If you bring up your past driving record as part of your testimony, you open yourself up to questions about it from the prosecutor during cross-examination. Anything you mention

in your testimony can be later questioned by the prosecutor.

Your testimony should be based only on your observation of the facts and evidence. Your opinions about the officer's powers of observation, the legitimacy of his birth or the validity of the 55 mile per hour speed limit have no place in the courtroom.

CAN I LIE ABOUT IT?

Don't even think about lying during your testimony. Perjury (lying under oath) is a felony, and the courts frown on it very much. Bear in mind that anything you say in your testimony can be questioned by the prosecutor, and he may already have information about the truth that will make you look very bad in front of the judge or jury.

WHAT IF I HAD A GOOD REASON FOR VIOLATING THE LAW?

The court will usually recognize valid reasons for breaking the law. Speeding is understandable in a medical emergency and few people would question it if you weren't driving like a madman. However, this should be brought up at your arraignment rather than going to trial. You aren't disputing the fact that you broke the law, you are only stating that you had a good reason for doing so. The proper way to handle this is by pleading "guilty with an explanation" at your arraignment. Occasionally, a judge may dismiss your case with a valid explanation, but more often the plea of guilty is accepted and the sentence is suspended.

The fact that everyone else was doing it just means that everyone else was guilty too.



IF EVERYONE ELSE WAS DOING IT, IS THAT A VALID EXCUSE?

The fact that you were just “driving with the flow of traffic” doesn’t mean that you weren’t driving above the legal speed limit, and is not an acceptable reason for having your case dismissed. It may, however, raise a valid question as to why the officer selected you out of all the other violators. If you testify that “Everyone else was doing 85 and I was just keeping up with them,” this constitutes an admission by you that you were speeding. The prosecutor will be sure to catch any such statement.

CAN I BLAME MY VIOLATION ON THE OFFICER’S PRESENCE?

The courts recognize that the patrol car can be a very distracting factor for many drivers. It is not uncommon for a police officer to pull up behind a motorist at a signal and then have the motorist look at the police car in his rearview mirror and proceed right on through the red light. If you choose to use this as a defense, you should plead “guilty with an explanation” and tell the judge about it at your arraignment.

IS IT A VALID DEFENSE ON EQUIPMENT VIOLATIONS IF I’VE SOLD THE CAR SINCE THE VIOLATION OCCURRED?

No, the fact that you no longer own the car may relieve you of your obligation to correct the equipment violation, but doesn’t change the fact that you were caught driving the car with the equipment in that

condition when you did own it. In some states, you may be required to repair the violation before you can legally sell the car to anyone else, other than a bona fide scrap disposal yard.

WILL THE JUDGE OR JURY GET MAD AT ME FOR DEFENDING MYSELF LIKE THIS?

There's no reason why they should get mad at you if your case is presented sincerely and logically without wasting the court's time. Pay attention to what is happening in court, follow the judge's instructions on procedure and do the best job you can and you will generate both the sympathy and the respect of the judge and jury.

The entire purpose of the court system is to provide a place for you to defend yourself. The fact that you are defending yourself is the only thing that justifies the judge's salary and the very existence of the court itself. If people didn't defend themselves against traffic citations, the whole system could consist of nothing but cashier's windows and traffic cops would carry changemakers on their belts like the hot dog vendors in a baseball stadium. It's your court system, and it's your right to use it. Nobody will get mad at you for exercising those rights.

WILL THE OFFICER TRY TO GET BACK AT ME IF I WIN?

If you win, the chances are the officer will just leave mumbling to himself and shaking his head in amazement. That officer will probably never even see you



"Be out of town by sundown or I'll come gunning for you." Few officers would ever try to take revenge.

again, much less write you another ticket. The officer would have nothing to gain by trying to get back at you, and would have everything to lose. Both his supervisors and the judge deal very harshly with any attempt by the officer to harass you.

WHEN I WIN, DO I GET BACK THE MONEY I POSTED AT THE ARRAIGNMENT?

Yes, you are entitled to a full refund on any bond that you may have posted to insure your appearance at trial. However, don't expect the court clerk to fork over cash or a check right on the spot. It often takes 30 days or longer for the refund check to be processed and

mailed to you. Be sure to ask the court clerk about the return of the bond before you leave the court for the day.

IF I LOSE, CAN I APPEAL IT?

You can appeal your conviction in traffic court if you are convinced that the prosecution's evidence was truly insufficient to convict you, or if you feel that the sentence was overly harsh or any part of the trial was prejudiced against you. You should know, however, that few traffic cases are ever overturned on an appeal, and that the appeal will take a lot of time and money.

Because of the time and expense involved, we strongly recommend that anyone considering an appeal hire an attorney to represent them, or at the very least take the time to consult with a competent legal professional about the course of action you are considering. You will probably find that the attorney can handle your appeal far more easily, and in many cases more economically than you can.

You generally have 10 days from the time of your judgment in which you can appeal your traffic case. If you intend to appeal your case, you must file a written "Notice of Appeal" with the clerk of the court that heard your case.

If you intend to file the appeal yourself, there are numerous documents, copies and records which have to be filed at specific deadlines. The court clerk will probably be willing to assist you in selecting and filling out the appropriate forms, but be prepared to spend a lot of time with paperwork. For the normal person who works, the time element makes an appeal almost out of the question.

ALTERNATIVES TO FIGHTING

Other than walking.



WHAT'S AN "INSTANT TRIAL"?

The instant trial is a new program that has been started in some parts of the country as an option to a jury or court trial. It takes place immediately after the arraignment and disregards the normal trial procedures. In order to have an instant trial, the defendant has to waive his right to a jury trial and thus waives any right to appeal the case to a higher court. If the arraignment was conducted by a commissioner, he will usually conduct the trial as well and you will have to waive your right to be heard by a judge.

In an instant trial, the judge has only the court's copy of the violation to use as testimony of your alleged offense. Anything it says on that citation is liable to be taken as the truth by the judge.

We don't recommend that *anyone* ask for this instant trial option as we don't see a benefit to you in any type of case. The program was started as an effort to help the courts deal with the huge burden of cases they hear, and probably does help them with that load. You should remember, that you have a right to be confronted with all the evidence against you (including the officer's testimony) and you can't cross-examine a citation. We feel that the instant trial requires you to give up too many of your rights to be fair and impartial.

CAN MY FRIEND, THE COP, FIX IT FOR ME?

No, there's no way that a police officer can make your ticket disappear. There's too many records of the violation in existence to have it removed, with a copy going to the police department (along with the officer's

daily log which lists the violation) and one to the court. Any attempt by the officer to "fix" your ticket would probably get him fired, if not thrown in jail.

Sometimes, when an officer has a "friend" who just won't take "No" for an answer, the officer will take his friend's ticket and tell him that he will take care of it for him. Usually, he just goes down to the bail window and pays the bail, resulting in a conviction for the "friend." This is the only way that an officer can "fix" a ticket for you.

CAN MY FRIEND, THE JUDGE, FIX IT FOR ME?

If your friendly judge was hearing your case, he could dismiss the citation and effectively "fix" the ticket for you. However, proper procedure requires a judge to disqualify himself from any case in which he knows either party, or any case which he feels he could not fairly hear without prejudice.

If a judge is caught fixing tickets, it's very likely that the other judges he works for will "fix" him. A dishonest judge could be thrown off the bench, disbarred (forbidden to work as an attorney) and even tried and sentenced to a jail sentence.

HOW ABOUT THAT CUTE FILE CLERK I MET AT THE D.M.V.?

Nope, there's nobody who can effectively "fix" your ticket without taking a chance of getting caught and penalized.

Thurman "911" Porsche
23109 Indianapolis Avenue
Mumpsie, Indiana
August 30, 1978

The Chief of Police
Mumpsie Police Department
Mumpsie, Indiana

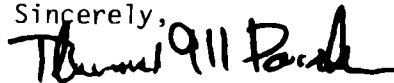
Dear Chief,

Last night (August 29) at 11:30 P.M. I happened to meet one of the officers from your department, Clarence T. Puckett (Badge #3) out on Highway 13. In the course of our conversation, he mentioned the fact that he had observed me keeping up with the flow of traffic, which consisted of a Corvette that got away. I really don't know why the officer chose me out of all that traffic and I don't really mind the ticket I got for doing 127 MPH (the officer said I was going faster than that before his Rambler's engine blew, but that was where the speedometer pegged out). What I really felt I should mention was what could possibly be construed as an unprofessional attitude on the part of the officer.

Specifically, during the conversation that followed my pulling over, the officer mentioned the names "Homicidal Maniac, Mental Defective, Moron, Idiot, Snot-nosed Punk, Dip, Reprobate, Jerk, Numbskull, Simpleton, Ninny, Bedlamite, Nerd, Speed Freak, Lunatic and Chicken Thief". I really resented having been called a "Chicken Thief", and I thought I should make this formal complaint.

Please feel free to contact me regarding this matter. I want to know if it is your policy to allow your men to go around calling honest citizens "Chicken Thief".

Sincerely,

A handwritten signature in black ink that reads "Thurman 911 Porsche". The signature is stylized, with the first name "Thurman" written in a cursive-like script, followed by "911" and "Porsche" in a more blocky, printed style.

Thurman "911" Porsche

P.S. Sorry about his Rambler.

I DON'T MIND THE TICKET, BUT WHAT ABOUT HIS ATTITUDE?

Unfortunately, there's very little you can do about an officer's attitude, because attitude is such a subjective thing which really gives you few facts to complain about. If you really feel that you have a legitimate complaint about the officer's attitude, and perhaps some direct quotes which are representative of that attitude, you can make a complaint to the agency involved, the city council or the mayor's office.

The best way to do this is to write directly to the Chief of Police's office. Usually, someone from that agency will contact you to discuss all of the details of the incident. If they feel that your complaint is justified, action will be taken and you'll be informed.

Remember, any complaint you make should be outside of the scope of your violation. If you disagree with the ticket itself or have an axe to grind with the officer, you should handle that in court.

WHAT CAN I DO IF I THINK I WAS THE VICTIM OF A "CHERRY PATCH"?

If you think you were the victim of a fault in the engineering of the roadway, you should write a letter of complaint to the City Engineer describing why you feel that there is an error in the design of the roadway and asking him to correct that situation. If the design of the roadway is changed, or if you receive a letter of agreement from the engineering official, you have a very good chance of proving your case in court. You also will have the pleasure of having plucked one more cherry out of the officer's cherry patch.

WHAT IF I THINK THE LAW IS WRONG?

If you think a law is wrong, because of constitutional or other reasons, you may be able to get the law overturned in court. Any action like this is almost sure to get into the higher courts either through "judicial review" or on your own appeal. If you're considering a defense based on the illegality of a law, you really should consider hiring an attorney to represent you. The chances are that any such trial would be based on a lot of legal technicalities and details which would be beyond your abilities as a layman.

If you think the law is legally correct, but still a stupid law, then you might put pressure on your legislators by writing letters or circulating petitions to have the law removed.

WHO SHOULD I WRITE?

Because your traffic ticket falls under state laws, you should write to your state representatives (rather than your federal senator or representative). The state senator and assemblyman for your district should be listed in your telephone directory. In addition, you may wish to write to your city council, mayor, county supervisors and possibly the governor of your state.

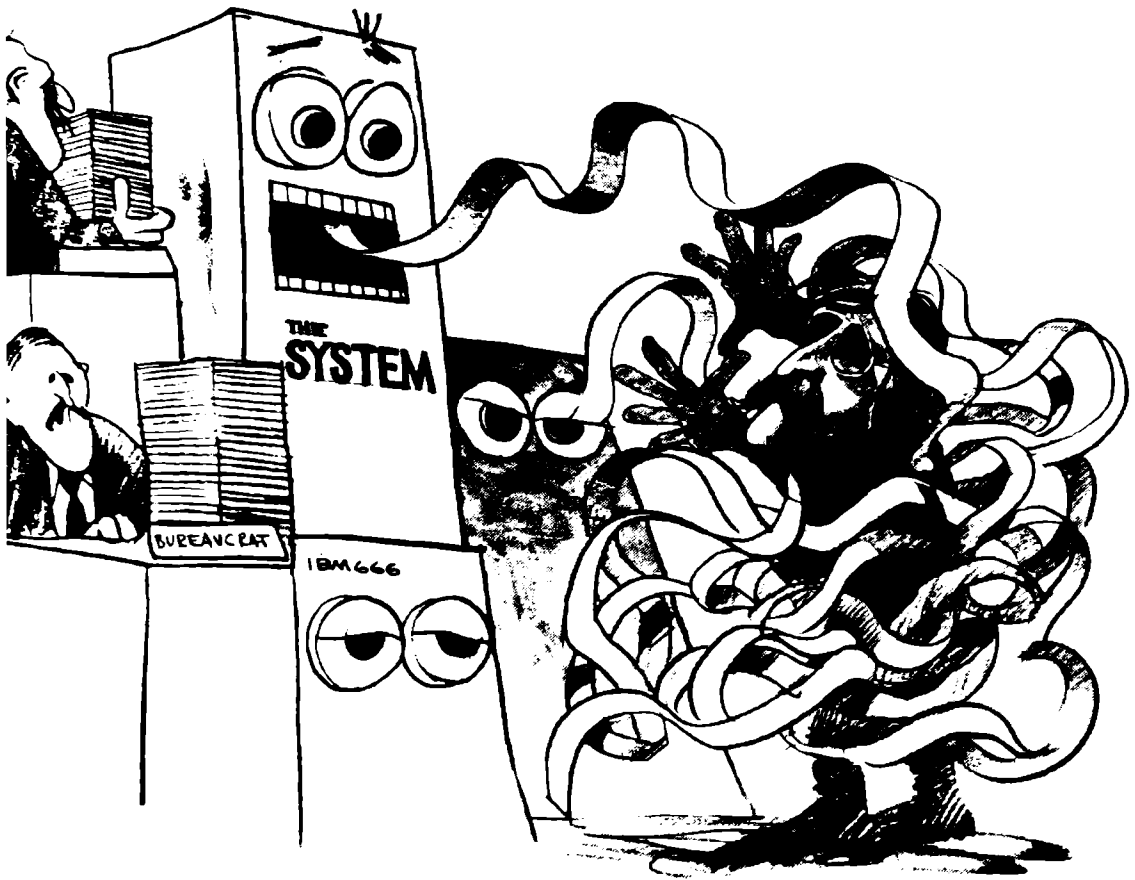
IF I MOVE TO ANOTHER STATE, CAN I JUST FORGET ABOUT IT?

No, the long arm of the law extends across state boundaries, and the various Department of Motor Vehicles regularly exchange information on the drivers in their states.

The first time you are stopped by the police, or try to reregister your vehicle or apply for a license in the new state, they'll likely locate your old traffic warrant from the previous state. While they may not arrest you, they will probably refuse to issue you any new documents until the warrants are cleared from your original state's records.

RED TAPE

Dealing with the paper machine.



I LOST MY COPY OF THE CITATION, NOW WHAT DO I DO?

If you remember the time and date you were supposed to appear, there's no problem. Just appear at the court, report your presence to the clerk and they should put you on the calendar. They have a copy of the citation, and should have all the information there already.

If you don't remember when you are supposed to appear, you can call the court. With your name, they should be able to tell you when to appear. If you don't remember the court in which you were to appear, you can call the law enforcement agency which issued the citation. If you tell them the location of your alleged violation, they should be able to tell you which court to call for arraignment information.

CAN I JUST IGNORE THE CITATION?

When you signed the citation, you gave your promise to appear in court on or before the date specified on the ticket. If you just ignore it, it won't go away. Failure to appear is a separate crime (usually a misdemeanor) from that of the violation. If you fail to appear in court, they will issue a warrant for your arrest. If they don't come to your residence and arrest you, you will very likely be arrested the next time you are stopped for a routine traffic violation.

I FORGOT TO APPEAR: NOW WHAT SHOULD I DO?

Your best course of action is to go immediately to the

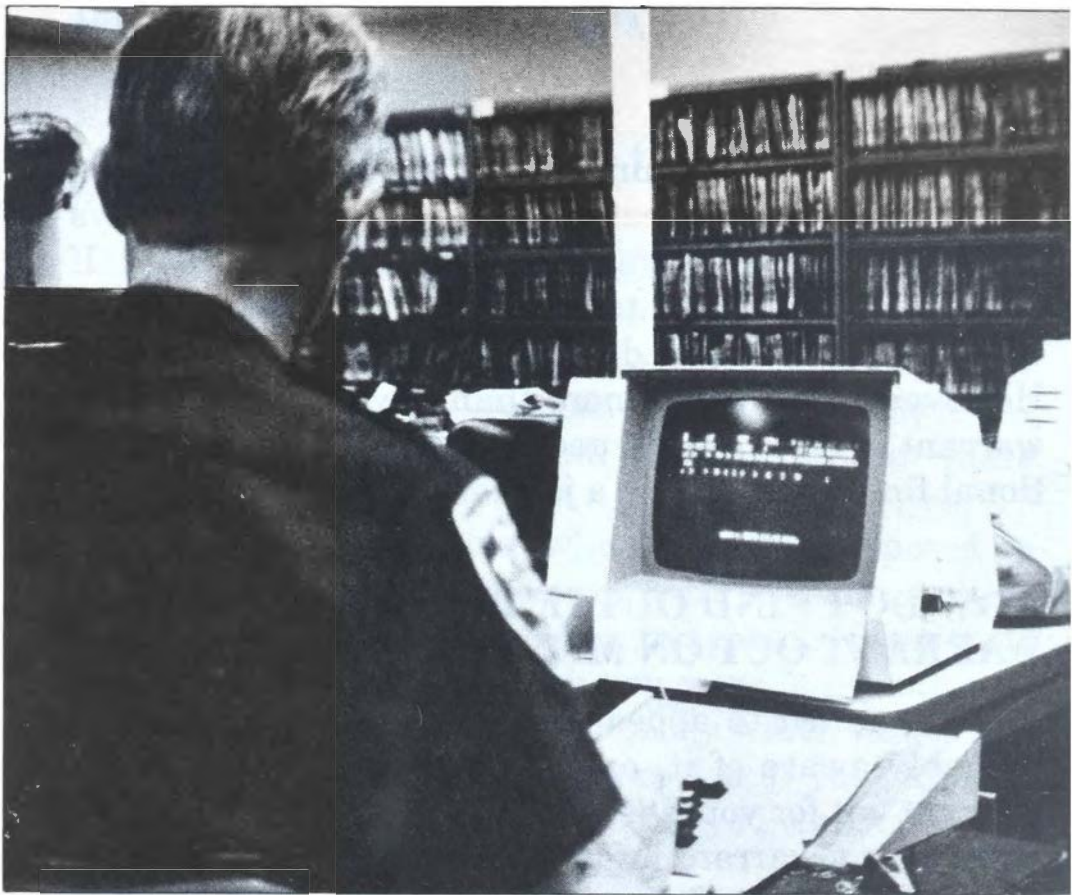
court to surrender yourself, and explain to the judge why you failed to appear. Often there are several days grace given before a warrant is issued by the court. If you are willing to go into the court and pay your fine, it will usually be accepted without any further penalties. However, if you allow more than a week to go by, the warrant is sure to be issued and you will face an additional fine, and possibly a jail term.

HOW DO I FIND OUT IF THERE'S A WARRANT OUT ON ME?

If you failed to appear on a traffic citation, you're probably aware of it, and more than likely there's a warrant out for you. It's virtually impossible for you to find out any warrant information without directly confronting a police officer who may arrest you. If you call the County Marshal's Office, they'll usually tell you, "Oh, just come in any day, 8 a.m. to 5 p.m. and we'll be glad to tell you." (Said the spider to the fly.) They usually will not give this type of information over the phone.

About the only way to find out if you have a warrant, is if you have a friend (a really good friend) on the police department. He'll be able to run your name through the computer to determine if you have a warrant.

Of course, the warrant won't show up in the computer right away. The judge will usually give a few days grace in which you can appear before the warrant is issued, and then it may take another 10 days before it appears in the computer.



Usually the only people that can tell you about a warrant are the ones that will arrest you if you have one.

DO TRAFFIC WARRANTS EVER EXPIRE?

Some do, and some don't. It is usually the judge who establishes any expiration date on a traffic warrant. (A traffic warrant is actually a misdemeanor violation for failure to appear, and is completely separate from the actual charge of the traffic violation.) The judge may allow the warrant to exist indefinitely (or until you are arrested), or may set a specific expiration date, often 5 or 10 years from the date it was issued.

WILL THEY RENEW MY LICENSE, EVEN THOUGH THERE'S A WARRANT OUT ON ME?

No, although they may give you the 60 day extension on your old one when you apply. Usually, your license comes by mail a month or so after you renew. All renewals are checked for warrants before they are sent, and if you've got warrants you don't have a license.

This is one reason why officers always check the expiration date on your license, and often issue citations for an expired license. They catch a lot of people with "outstanding" warrants in this manner.

DO I HAVE TO TELL THE DEPARTMENT OF MOTOR VEHICLES EVERYTIME I MOVE?

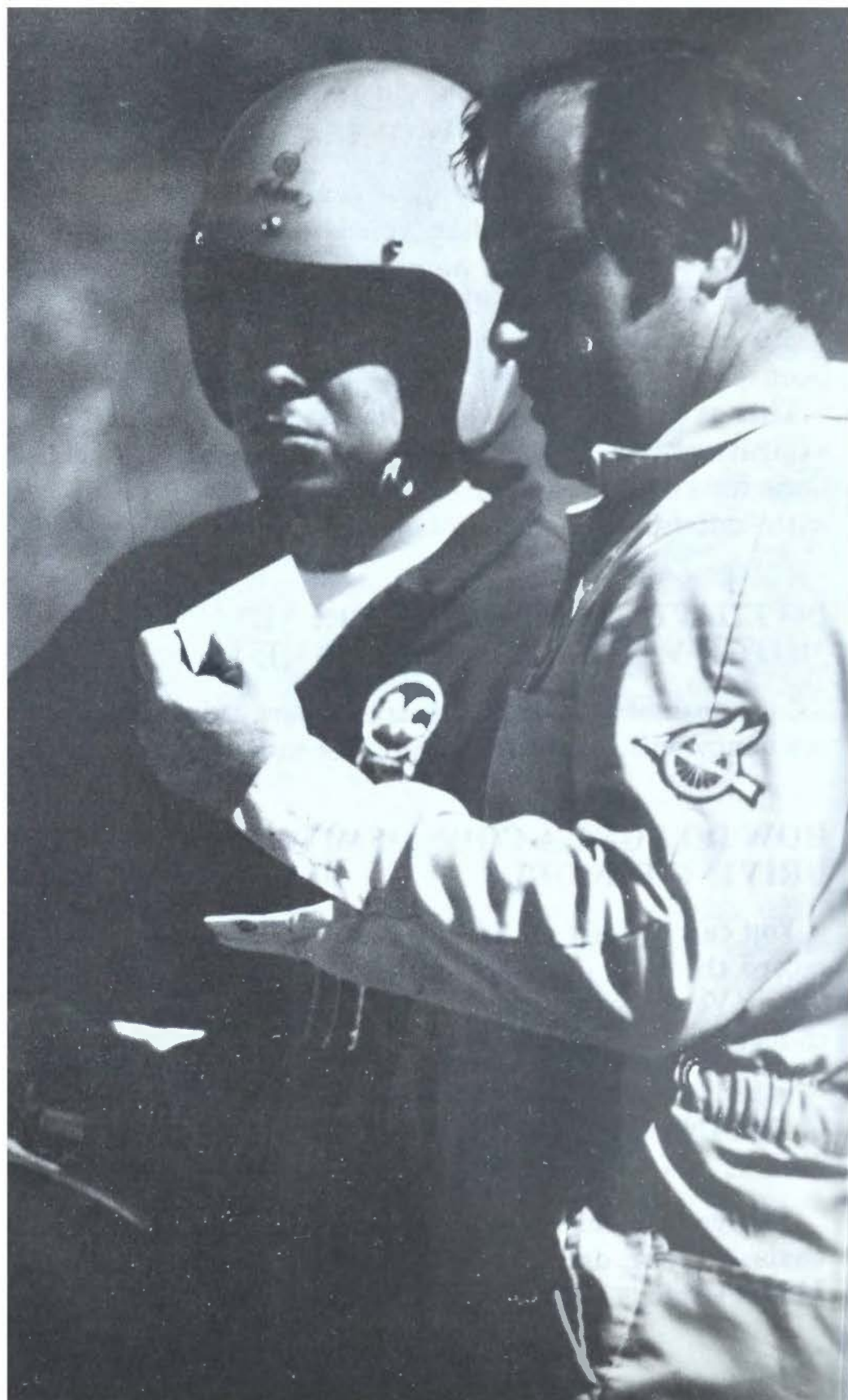
Yes, most states require you to report any change in residency within 10 to 30 days after moving.

HOW DO I GET A COPY OF MY DRIVING RECORD?

You can usually get a complete copy of your driving record through your local office of the Department of Motor Vehicles. Usually, a small fee (50¢ to \$3.00) is charged for this service.

CAN ANYONE OTHER THAN THE COURTS TAKE AWAY MY LICENSE?

Yes, your license can be suspended or revoked on the basis of your driving record by the Department of Motor Vehicles. This usually happens when you accu-



mulate a number of points through citations and/or accidents. By law most states are required to warn you when you are getting close to a suspension and will allow you to attend a procedure called a "hearing" in which you will have a chance to argue your side of the story before your license is suspended. Your license can also be revoked for medical reasons (epilepsy, blindness, etc.).

HOW DO I KEEP FROM GETTING PARKING TICKETS ON A CAR THAT I'VE SOLD TO SOMEONE ELSE?

In order to avoid these annoying citations, be sure that you complete all of the necessary paperwork and properly report it to the Department of Motor Vehicles when you sell the car. The fact that you're receiving parking citations means that the Department of Motor Vehicles records still show you as the registered owner of the car. You still have to appear in court for these violations, but they will be dismissed when you present properly completed papers (bill of sale, etc.) that show you no longer own the car.

The officer may take away your license to make sure that you'll follow him back to the court.

You've got to know the language.

You've got to know the language.



ACCIDENT—Whenever your vehicle meets something other than the asphalt.

ACCIDENT CITATION—A traffic ticket given to the driver who caused or contributed to an accident by violating a vehicle law.

ACQUITTAL—A court verdict of “Not guilty.”

ACTIVITY RECAP—A weekly or monthly report card on the officer’s standing in the ticket race.

AFFIDAVIT OF PREJUDICE—A legal document requesting the court to schedule a different judge for your trial than the one previously scheduled.

AGENCY—The organization which employs a law officer. This may be a federal agency (the F.B.I.), a state agency such as a State Police or Highway Patrol, a county agency such as a Sheriff or Constable’s Office, or a municipal agency such as a city police department.

ALLEGED VIOLATION—A violation of the law which has been claimed by the officer (usually in the form of a traffic ticket), but has not been proven in court.

ALLEY—A narrow (usually less than 25 feet wide) minor street, usually used for access to the rear of a property or business.

AMERICAN FLAG LAPEL PIN—Piece of frequently worn jewelry for law enforcement officers. Many officers feel this adds to their sincerity and credibility. Not an official piece of equipment.

ANNOTATED VEHICLE CODE—Vehicle code which contains updates on the most current court decisions and definitions by the Attorney General in addition to the complete text of the law.

APPEAL—A request by a person who has been found

guilty, to a higher court to review the correctness of the lower court's decision.

ARRAIGNMENT—The proceeding by which a person is called before the court to be advised of the charge(s) against him and to enter his plea.

ARREST—The apprehension and taking into custody of a person who is charged with a crime. A traffic ticket is a release from custody for a person technically under arrest.

ATTABOY—Any commendation from either a citizen or the officer's agency. Attaboys become a part of the officer's personnel file.

ATTORNEY—A person who is legally appointed by another to act in his behalf. Also, **LAWYER**.

AUDIBLE SIGNAL—The tone emitted by a radar unit to alert its operator to the speeds of vehicles the unit is tracking.

AUTHORIZED EMERGENCY VEHICLE—Generally, those vehicles which are engaged in law enforcement, fire or lifesaving services. Emergency vehicles are equipped with warning lights and sirens which require other vehicles to yield the right-of-way when they are in operation.

AUTOMATIC LOCK—Special feature on some radar units which allows the unit to automatically lock onto the highest speed the unit detects.

BAD CONNECTION—A term used to describe one of the ways to cheat with radar, specifically tapping on the case of the older needle type radars, causing the needle to fluctuate.

BAIL—Security (usually cash) given to the court in exchange for the release of a person in custody, to assure his presence in court later.

- BAIL FORFEITURE**—The act of giving up the bail money to the court instead of appearing as promised.
- BAILIFF**—A minor officer of the court who is responsible for controlling prisoners, guarding the judge and jury, and for maintaining order in the court.
- BASIC SPEED LAW**—A law which generally forbids the operation of a vehicle at a speed faster than is safe, considering the weather, traffic and roadway conditions.
- BEAM WIDTH**—The spread of energy projected by a radar unit, usually 12-16° wide.
- BEAR**—Any police officer.
- BEAT**—The area which an officer patrols, in some cases a particular section of highway.
- BEST INTEREST OF JUSTICE**—A term used when the prosecution requests a motion for dismissal of a court case when it is felt that the case cannot be successfully prosecuted.
- BIG HOUSE**—Any state or federal prison.
- BIONIC RADAR**—Manufacturer's description of a radar unit with an electronically synthesized voice which calls out the speeds it observes.
- BLIND SPOT**—The area on the right rear of most vehicles in which the driver cannot see with his mirrors. This is where officers like to "hide" to pace a vehicle.
- BOND**—Any amount of money or guarantee given to the court as bail.
- BRIBE**—Anything given or promised to influence another person's judgment or conduct.
- BURDEN OF PROOF**—The legal principal that it is the duty of the complaining party (the prosecution) to present sufficient proof to establish the validity of the charges.

- BURNED**—Describes a radar or VASCAR operation whose location has been discovered by the motoring public.
- BURNED OUT**—Used to describe an area which has been overworked by traffic officers to the point that it no longer generates traffic tickets.
- BUSINESS DISTRICT**—Any area in which more than half of the property is occupied by commercial businesses.
- CALENDAR**—The list of cases established by the court to determine the order and dates in which they will be handled.
- CALENDAR COURT**—The court which conducts scheduling for all the other courts in a jurisdiction. Also MASTER COURT.
- CALIBRATE MODE**—A position on the function control selector of a radar unit which allows the operator to determine if his unit is correctly operating by producing a known, predetermined reading.
- CALIBRATED SPEEDOMETER**—A speedometer which has had its accuracy verified by external means.
- CALIBRATION LOG**—A written record of calibration dates and procedures.
- CANNED TESTIMONY**—Testimony which is memorized and sounds stale.
- CATCH-UP SPEED**—Term used to describe one of the ways of cheating with radar, specifically by clocking the patrol car's speed when pursuing the violator rather than the violator's actual speed.
- CB RADIO**—Any Class D, 27 Megahertz transceiver used by individuals to communicate with each other.
- CERTIFICATE OF CALIBRATION**—A document from the manufacturer of a radar unit or radar tun-

- ing fork certifying its specifications and accuracy.
- CERTIFIED TUNING FORK**—A tuning fork used for radar calibration which is registered by serial number and guaranteed by the manufacturer to produce a specified speed on the radar unit.
- CHAFF**—Any of a number of scattered materials used to mask a radar image. (Applies only to aircraft radar.)
- CHALLENGE OF JUROR**—The right of either party in a trial to object to a juror during the process of jury selection.
- CHANGE OF VENUE**—The transferring of a court case to another court. In traffic cases changes of venue are only allowed to move the case to a county seat.
- CHARACTER WITNESS**—A witness who has knowledge of the person's character, personality and background, but no actual knowledge of the case being tried.
- CHEAT SHEET**—A simplified reference card used by officers to look up the vehicle code sections for various violations.
- CHERRY PATCH**—A particular stretch of roadway in which a lot of traffic citations are issued for dubious reasons.
- CHP**—The California Highway Patrol. Also **CHIP** or **CHIPPIE**.
- CITATION**—A written, official notice to appear in a court and answer a charge against you.
- CITIZEN'S COMMENDATION**—A letter of praise for a law officer from a citizen.
- CITIZEN'S COMPLAINT**—A letter of complaint about a police officer from a citizen. Usually requires investigation by his agency.

CITIZEN'S ARREST—An arrest made by a private person.

CLOCK—The act of observing and recording the speed of a vehicle. A clock may be performed with a stopwatch, radar, VASCAR or speedometer.

CLOSING STATEMENT—The final arguments made in a trial.

COMMERCIAL VEHICLE—Any vehicle which transports people or cargo, and charges for that service. Commercial vehicles are usually issued special license plates by the state.

COMMISSIONER—A person (usually an attorney) appointed by the courts to perform some of the functions of a judge.

COMMUNICATIONS ACT OF 1934—The act of Congress which guarantees a U.S. citizen the right to receive radio communications, including police radar signals.

COMPENSATORY TIME—Time off from work given to a law officer to make up for the time he spends in court.

COMPULSORY INSURANCE—Insurance coverage which is required under state or federal law.

CONSTABLE—A police officer, usually employed by a county or municipality.

CONTEMPT OF COURT—Showing disrespect for the authority or dignity of the court by disobedience or disorderly conduct.

CONTINUANCE—The postponement of a trial or proceeding to another scheduled date.

CONTRIBUTORY NEGLIGENCE — Carelessness which helps to bring about an accident, and usually prevents the person from collecting damages from the person who was primarily responsible.

- CONVICTION**—A verdict of guilty.
- CONVOY**—A line of CB-equipped vehicles (usually trucks) moving together on the highway.
- COP**—Any policeman. Believed to have been derived from Constable On Patrol.
- COSINE ANGLE FACTOR**—An error in radar's detection of speed which occurs whenever the radar target deviates from a straight alignment with the radar unit.
- COUNTING UNIT**—The part of the radar unit which processes the Doppler signals and computes and displays the speed.
- COUNTY CLINK**—Any jail facility maintained by a county.
- COUNTY MOUNTIE**—Any law officer employed by the county, specifically a deputy sheriff or constable.
- COUPON**—A CB slang term for a traffic ticket.
- COURT**—Any place in which justice is administered and trials are held. Also, the persons who conduct such proceedings.
- COURT TRIAL**—A trial held without a jury. The judge alone determines the verdict of the trial.
- COURT APPOINTED COUNSEL**—An attorney appointed by the courts to represent a defendant who is otherwise unable to afford one. Usually not available to persons charged with minor violations.
- CRASH AND DASH**—Another term for hit and run.
- CRITICAL SPEED**—The speed at or below which 85% of the traffic on a particular highway is moving. Also the 85th PERCENTILE SPEED.
- CROSS EXAMINATION**—The questioning of a witness who has already been questioned by the opposing side to determine the validity of his answers.
- CROSSWALK**—Any area designated for a pedestrian's

use in crossing a street. The crosswalk may be marked, or may be an imaginary extension of the sidewalks or curb lines.

DAILY ACTIVITY REPORT—A count of all of the officer's tickets and arrests for the day.

DAILY LOG—The complete record kept by the officer of all his activities for the day.

DEFENDANT—The person charged with a crime.

DEFENSE—Your justification in court for the actions with which you were charged. Also, the defendant and his attorney are referred to as the defense in court.

DETECTOR DEFEAT MODE—An option on some radar units which allows the operator to selectively control when his unit broadcasts. Basically, an On-Off switch for the antenna.

DEUCE—A drunk driver. A term originally derived from the old California Penal Code Section "502." The drinking driver law in that state is now in the Vehicle Code under Section "23102 A."

DEWEY—Common reference for a drunk driver by law officers. Derived from the term *Driving While under the Influence*, *DWI*, or *Driving Under the Influence*, *DUI* Officers speak of looking for "DEWEY" and how easy he is to find.

DIAGRAM—A map like sketch of an area used to demonstrate the positions of vehicles during an accident or alleged violation.

DISMISSAL—The act of throwing a case out of court or dismissing the charges.

DISPOSITION—The arraignment and outcome of a trial.

DOCUMENT CITATION—A ticket given for viola-

tions involving a vehicle's registration or a driver's license.

DOPPLER EFFECT—The apparent change in the frequency of a reflected radio wave, which varies with the speed of the source.

DOPPLER FREQUENCY—The difference between the frequency of the radio waves projected by a radar unit, and the waves reflected by a moving object.

DOPPLER TONE—The audible tone produced by some radar units which represents the speed of the vehicle being clocked.

DRIVER—The operator of any motor vehicle.

DRIVER'S LICENSE—The permit issued by the state which allows a person to legally operate a motor vehicle.

DRIVING RECORD—The record maintained by the state of your name, description, address, driving violations and accidents.

DUI—Commonly used abbreviation for Driving Under the Influence, specifically under the influence of alcohol or drugs.

DWI—Abbreviation for Driving While Intoxicated or Driving While under the Influence.

85th PERCENTILE SPEED—The speed at which 85 percent of all traffic is traveling at or below.

ELECTRONIC COUNTER MEASURES (ECMs)—Any electronic device used to defeat police radar.

ELEMENTS—The basic parts of a crime, all of which must have occurred in order for it to be classified as a crime.

EQUIPMENT VIOLATION—Any ticket given for illegal or inoperative equipment on a vehicle. Also, **FIXIT TICKET**.

EVIDENCE—Anything legally presented in court,

- such as the statements or testimony of a witness, or an object, which tends to prove the point in question.
- EXCLUSION OF WITNESS**—The right of any party in a trial to have witnesses removed from the courtroom while any other witness is testifying.
- EXHIBIT**—Documents or other objects used in a trial as evidence.
- EXPUNGE**—The act of having all records of a violation totally removed from the records.
- FAILURE TO APPEAR**—A misdemeanor crime of violating a promise to appear in court.
- FAILURE TO YIELD**—Not stopping for a police car displaying its lights and sounding its siren.
- FATAL ACCIDENT**—An accident that results in the death of another person within one year of the date of the accident.
- FCC**—The Federal Communications Commission, the federal agency responsible for the licensing and regulations governing police radar.
- FELONY**—Any crime punishable by a term in the state prison.
- FELONY STOP**—The procedure used by law officers when they believe they may be stopping a vehicle involved in a felony. May consist of removal of the occupants from the vehicle at gunpoint.
- FENDER BENDER**—Any minor automobile accident.
- 5th AMENDMENT**—The amendment to the U.S. Constitution which gives a person the right not to testify against himself.
- FINAL APPROACH**—A method of cheating with radar, specifically by clocking and locking the speed of aircraft near an airport.
- FINE TUNING**—The act of adjusting a radar unit to a frequency outside those authorized by law.

FIXIT TICKET—An equipment violation which requires the equipment to be repaired.

FLY BY NIGHT—Term used to describe many manufacturers of radar and radar detection equipment.

FIX—Any attempt to influence the issuance, action or outcome of a traffic ticket.

FREEWAY—A limited access high-speed highway without tolls.

FREQUENCY SHIFT—The change that occurs in the frequency of the broadcast radar beam and the beam reflected back to the radar unit from a moving object.

GIGAHERTZ—A frequency of a billion waves per second.

GREENSTAMP—A CB slang term for money. Also, a traffic ticket which requires you to pay a fine.

GUILTY—A verdict by the court or jury, or a plea at an arraignment, that an offense had been committed by a defendant as charged.

GUILTY WITH AN EXPLANATION—An admission at arraignment of guilt, with an attempt to justify the violation through an explanation to the judge.

HANDICAPPED ZONE—A parking area legally reserved for only those persons with handicaps.

HANGING JUDGE—A judge with an established reputation for finding defendants guilty and assessing harsh penalties.

HARMONIC FREQUENCY—Any multiple of a frequency which may effect a radar unit operating on that frequency.

HAZARDOUS VIOLATION—Any violation which might possibly cause an accident.

HEAD-HUNTERS—Any officer working for the

Internal Affairs Division of a law enforcement agency.

HERTZ—A measurement of frequency equal to one cycle per second.

HIGH DOPPLER—The frequency used by a moving radar unit to track the speed of the target.

HIGHWAY—Generally refers to any publicly maintained roadway which is open to any member of the public for vehicular travel.

HIT AND RUN—A driver who leaves the scene of an accident in which he was involved without leaving the required information or notifying authorities.

HIT AND SPLIT—Same as Hit and Run.

HOLD SWITCH—A cut-off switch on the antenna of some radar units. Also known as a Radar Detector Defeat Mode.

HONEYCUTT vs. THE COMMONWEALTH OF KENTUCKY—Court case involving a radar ticket which determined that the radar operator's visual observation of a vehicle was sufficient to identify it as the one clocked by the radar unit.

HOSE TIMER—Outdated device used to determine the speed of motorists.

HOT DOG—Any law officer who is very aggressive. Also "Cowboy."

HOT PENCIL—An officer who writes a large number of tickets.

HOT PURSUIT—A fresh chase in which the officer is continuously behind the violator, without losing sight of the car he is chasing.

HUNGRY BEAR—A traffic officer who is low on his quota and ready to feed on a passing motorist.

HURRY-UP HUSTLE—A method of cheating with radar, specifically by driving a moving radar equip-

ped patrol car at higher speeds than the radar is capable of computing.

HYDROPLANING—A phenomena which occurs when the tires of a car lose contact with the road and ride up on a layer of water.

IGNORANCE OF THE LAW—Something you may have suffered from before reading *The Ticket Book*.

IMPLIED CONSENT—A provision in every state that makes your agreement to a chemical test for alcohol automatic by the fact that you have a driver's license.

IN PRO PER—Short for In Propria Persona meaning appearing in person on your own behalf.

INTERNAL CALIBRATION—A check of a radar unit's accuracy through the use of a crystal or other electronic means. Actually, it only checks the unit's ability to analyze a frequency ratio, and does not use the radar itself.

INFRACTION—A minor violation of the law, usually punishable only by a fine.

INSTANT TRIAL—New and somewhat questionable procedure currently being tested in selected areas. Consists of a quickie trial at the time of the arraignment without the officer's presence.

INTERNAL AFFAIRS DIVISION—The department of a law enforcement agency responsible for investigating charges and accusations against police officers.

INTERSECTION—The area formed where two or more highways meet, generally defined by an imaginary extension of the curb lines.

INTERSTATE—Any of the national system of highways which may cross state boundaries.

INTRASTATE—Any of an individual state's highways.

JAYWALKING—Walking across a street without regard to the traffic or laws.

JUDGE—An elected or appointed public official authorized to hear and decide civil and criminal cases in a court of law.

JURISDICTION—The area in which a law officer has authority to operate.

JUROR—Anyone serving on a jury.

JURY—A body of citizens who are selected to hear and decide a case in court.

JURY TRIAL—Any trial which is decided by a jury.

JUSTICE COURT—A court with limited power to hear cases within a specific region. Usually presided over by a Justice Of The Peace.

K-BAND—A frequency of 24.150 Gigahertz, one of the three bands currently authorized for police radar.

KILOHERTZ—A frequency of a thousand cycles per second.

KITING—A method of cheating with tickets, specifically, indicating a speed on the ticket higher than that which the motorist was actually clocked at.

LANDMARK CASE—A case which is so important that it establishes a precedent for future cases.

LAW ENFORCEMENT AGENCY—Any national, state, county or municipal organization with the responsibility for enforcing that authority's laws.

LEARNER'S PERMIT—A temporary driver's license given to a person who otherwise would not be qualified to operate a motor vehicle. Learner's permits often require a licensed driver in the same vehicle.

LEFTOVERS—A method of cheating on radar, specif-

ically, failing to clear the unit of a previous violator's speed.

LESSER AND INCLUDED VIOLATION—A traffic violation which is part of a much larger violation. Example: Running a stop sign and speeding might be lesser and included violations in a reckless driving charge.

LET'S MAKE A DEAL—A game prosecutors play when it's to their advantage.

LIMIT LINE—A line painted on the roadway or imaginary to indicate the point at which vehicles are required to stop at a sign or a light.

LOADING ZONE—Any area designated for the specific purpose of loading or unloading persons or materials.

LOW DOPPLER—In a moving radar unit, the frequency which is used to determine the patrol car's speed.

MAGISTRATE—A minor official with the authority to hear minor cases in a limited region.

MARSHAL—A law officer empowered to carry out the orders of the court. Also, a police officer in some small towns.

MASTER COURT—The court responsible for scheduling cases for the other courts within a jurisdiction.

MAXIMUM SPEED LIMIT—The highest speed that a vehicle may legally travel, even if it is safe to go faster.

MAY—When a law says "may" it gives the person permission to act as the law states. If the code uses "shall" instead, that is an indication a citation would be issued for violating that section.

MEDIAN—The center of the highway.

MEGAHERTZ—A frequency of a million cycles per second.

MERGING—The process by which two separate traffic streams combine to form a single stream.

METER MAID—Obsolete term referring to a female parking regulation officer.

MIRANDA DECISION—Court decision requiring a law officer to inform a suspect of his constitutional rights before the results of the officer's questioning are allowed as evidence.

MISDEMEANOR—A crime punishable by imprisonment in a county or municipal jail for less than a year, but cannot result in imprisonment in a state or federal prison.

MISTRIAL—A trial which is made void through some mistake in the trial proceedings, or because of the jury being unable to come to a decision.

MOTORCYCLE—Generally defined as any vehicle having no more than three wheels.

MOTOR-DRIVEN CYCLE—Definition varies between states, usually any motorcycle, scooter or bicycle with less than 15 brake-horsepower, or with wheels less than 18 inches in diameter.

MOTOR VEHICLE—Any vehicle which is self propelled.

MOVING RADAR—Any radar unit capable of clocking a target while the vehicle the radar unit is mounted in is in motion.

MOVING MODE—The mode which allows a moving radar to operate while the vehicle is in motion.

MOVING VIOLATION—The violation of any law which regulates the safe movement of vehicles or pedestrians.

MUNICIPAL COURT—The court representing any local government.

MUNICIPAL ORDINANCE—Any law enacted by a city government.

NCIC—The National Crime Information Center, the nation's clearinghouse for information on all criminal activities.

NEW VASCAR—A common term erroneously used to describe moving radar.

NEW YORK vs. DANTANIO—The landmark case on radar, in which the court accepted the fact of radar's accuracy and set the guidelines for the operator's training and understanding.

NO FAULT INSURANCE—Insurance in which each party bears responsibility for the repairs to their own vehicles.

NOLO CONTENDERE—A plea which does not admit guilt, but does not deny it either. Used primarily in cases involving accidents, it counts the same as a plea of guilty. Also **NO CONTEST**.

NOT GUILTY—A verdict by the court or jury, or a plea at arraignment, that an offense had not been committed by a defendant as charged.

NOTIFY WARRANT—A notice to a citizen that he or she has been charged with a crime.

NUMITRON GAS TUBE—A device which electronically displays any digit from 0-9, two or three tubes are used frequently to display the speed on a radar unit.

OATH—A declaration or promise to tell the truth.

OFFICIAL TRAFFIC CONTROL DEVICE—Any sign, signal, marking or device designed to regulate, warn or guide traffic and placed in accordance with law.

OFFICIAL TRAFFIC CONTROL SIGNAL—Any de-

vice that alternately signals vehicles to stop and proceed.

OPENING STATEMENT—The initial remarks made to the jury in a trial.

OPERATOR—The driver of any motor vehicle.

ORBIS—A sophisticated hose-timer type system which photographed offenders and automatically processed the citations.

ORDINANCE—Any law or regulation established by a government.

OWN RECOGNIZANCE—A release from custody without posting bail on a defendant's promise to appear. Also, O.R.

PANNING—One of the ways to cheat with radar, specifically by sweeping a stationary radar so that it reads the background rather than the target vehicle.

PANNING FOR GOLD—Same as panning.

PARKING—The standing or halting of a vehicle, whether occupied or not, for anything longer than a temporary period while loading.

PARKING CONTROL OFFICER—An officer whose primary duty is the enforcement of parking regulations.

PARKING VIOLATION—Any citation issued for violation of parking regulations.

PASSENGER VEHICLE—Any self-propelled vehicle designed for the transportation of persons.

PATROLMAN—Obsolete term for a male Patrol Officer.

PATROL OFFICER—Base rank for a law enforcement officer primarily engaged in patrol work.

PATROL SPEED—The speed of the patrol car.

PEDESTRIAN—Any person traveling on foot.

PENAL CODE—The laws of a state dealing with various crimes and their penalties.

PEOPLE—General title used to describe the prosecution, as in *The People vs. You*. Technically, any violation you commit is against the people of your state.

PEREMPTORY CHALLENGE—An arbitrary objection to the selection of a juror which cannot be denied by the court. Usually, both parties have a limited number of peremptory challenges.

PERJURY—The willful telling of a lie when under oath to tell the truth.

PERSON—As used in vehicle codes, person usually refers to any individual, partnership, business or corporation.

PHYSICAL EVIDENCE—Any object or materials submitted to the court to lend support to the claims of either party.

PICTURE TAKER—A CB slang term for a police officer in a radar equipped patrol car.

PIE PAN TRICK—The original anti-radar detection device, consists of holding a pie pan in front of the radar antenna until a target is within clocking range.

PLAINCLOTHES UNIT—An unmarked police car.

PLEA—A statement made by the defendant in response to a charge.

PLEAD—The act of presenting your plea.

POINT SYSTEM—A system used in some states in which traffic violations and accidents are assigned points. Accumulation of a specific number of points can result in suspension or revocation of your license.

POLICE IMPOUND—The holding in custody of a vehicle by a law enforcement agency.

POSTED LIMIT—The speed limit which appears on signs near or on the roadway. Also **PRIMA FACIA LIMIT**.

PPP—An abbreviation for Proper Police Procedure, the policies and guidelines under which officers of a law enforcement agency operate.

PRIMA FACIA SPEED LIMIT—The speed limit posted on or near the roadway other than the state maximum.

PRIVATE IMPOUND—The holding in custody of a vehicle by a private person or company by the authority of a law enforcement agency.

PRIVATE ROAD OR DRIVEWAY—Any highway which is not owned, regulated or maintained by the state, but is owned by an individual.

PROBABLE CAUSE—Reasonable grounds or suspicions that a person is guilty of a crime.

PROCEDURE—The specific protocol and organization of the trial in a formal court.

PROFESSIONAL COURTESY—The practice of giving special consideration to members within the same profession.

PROLONGATION OF CURB LINES—The imaginary extension of the curbs where two roadways meet to form an intersection.

PROMISE TO APPEAR—A written agreement on most citations which guarantees your appearance to answer the charges and must be signed before the officer can release you.

PRO SE—Appearing in person, also **PRO PER**.

PROSECUTION—The party (usually an attorney employed to represent the state) which initiates the proceedings in any criminal trial.

PROSECUTOR—The attorney who represents the government in a trial.

PROXY—A person authorized to represent another person.

PUBLIC ROAD—Any highway owned, operated and maintained by a city, county or state for the use of the general public.

QUOTA—A specific number of tickets which must be issued by an officer to demonstrate adequate performance.

RADAR—Short for “radio detection and ranging,” an electronic device used by law enforcement agencies to determine the speed of vehicles on the highway.

RADAR DETECTOR—Any radio receiver designed to receive police radar frequencies.

RADAR DETECTOR JAMMER—Any device designed to broadcast on police radar frequencies for the purpose of triggering radar detectors.

RADAR GUN—A hand-held radar unit shaped somewhat like a pistol.

RADAR JAMMER—Any device designed to interfere with the operation of police radar.

RADAR TRAP—General term for any location in which radar is frequently in use.

RADIOPOSITIONING EQUIPMENT—The technical name for radar used by the Federal Communications Commission.

RADIOPOSITIONING LICENSE—The permit issued to law enforcement agencies by the Federal Communications Commission which allows them to use radar.

RAMP—General term referring to any exit or entrance to a limited access highway.

REASONABLE AND PRUDENT—A phrase fre-

quently used in laws to describe the actions of a logical and ordinarily cautious individual.

REASONABLE DOUBT—A sincere disbelief that a person is guilty of a crime.

RECROSS EXAMINATION—The second round of the questioning of a witness in a trial, following the redirect examination.

REDIRECT EXAMINATION—Questioning of a witness in a trial in response to cross examination of the witness' initial testimony.

REFEREE—A person appointed by the court to hear testimony and evidence and render decisions on minor cases.

REFLECTED FREQUENCY—The frequency of the radio wave reflected off a moving object.

REGISTRATION—The official record of a vehicle's technical and licensing information.

REGISTERED OWNER—The person recognized by the state as the owner of a vehicle for licensing purposes. Not necessarily the legal owner of the vehicle. Banks are often legal owners and you are the registered owner.

RENT-A-COP—Any private security guard.

RESERVE OFFICER—A volunteer part-time police officer. While on-duty and in uniform most reserve officers have the same powers as a regular police officer.

RIDE-ALONG—A program which allows citizens to ride with a police officer and observe him as he goes about his duties.

RIGHT-OF-WAY—The privilege of immediate use of the highway.

ROADWAY—The part of the highway used by vehicles.

ROOKIE—Any new, relatively inexperienced officer.

RUDE RULE—A basic principle of traffic laws, generally, if an action on the highway is rude, it is probably illegal.

S-BAND—A frequency of 2.455 Gigahertz, one of the three bands currently authorized for police radar, and the first frequency to be introduced and used.

SCANNING DETECTOR—A radar detector which scans all of the possible frequencies used by radar, rather than being tuned to just one or more individual frequencies.

SECTION—The individual specific laws within a vehicle code.

SELLING A TICKET—The technique of an officer convincing a motorist that he really deserved a citation.

SERVICE—The legal process by which official documents such as subpoenas are served.

SHADOWING—A form of moving radar malfunction in which the unit reads a large moving vehicle instead of the ground speed.

SHALL—When a law says "shall," the action described is mandatory and is a citable offense.

SHIFTING ZONES—A way of cheating with radar, by clocking vehicles in a higher speed zone with a radar unit operating in a lower speed zone.

SHOOT—The act of clocking a motorist with a radar unit.

SHOULDER—Either edge of a road or highway.

SIDEWALK—The part of the highway other than the actual roadway which is designated by curbs or markings for pedestrian travel.

SLAMMER—Any place of incarceration.

SMOKEY—A CB slang term for any member of any

law enforcement agency, especially a member of a state police or highway patrol. Also **SMOKEY THE BEAR**.

SMOKEY REPORT—A CB radio report on the location of a police car.

SNAKES—A hose timer.

SPEEDING FANS—A method of cheating with radar, specifically by clocking the speed of a heater or air conditioning fan instead of a motorist.

SPEED TRAP—A location which is designed to catch motorists, either by the design and posted speeds on the highway or the manner in which the laws are enforced.

SPEEDY TRIAL—One of a person's constitutional rights, the right to have a trial within a short period after the arraignment.

SPURIOUS READING—A false reading which sometimes appears on a radar unit with no apparent cause.

SQUELCH—The control that adjusts the sensitivity of a radar unit or radar detector.

STATE OF CONNECTICUT vs. TOMANELLI—The court case which established the tuning fork as the recognized method of calibration for radar units.

STATE TROOPER—Any member of a state police or highway patrol.

STATIONARY MODE—The mode which allows a moving radar to operate while the patrol car is not in motion.

STATIONARY RADAR—A radar which does not have the capability of clocking other vehicles while the patrol car is in motion.

STEREODYNE—Term used by some manufacturers

to describe the operation of a radar detector capable of receiving two frequencies.

STOPPING—The cessation of movement of a vehicle on a roadway, whether occupied or not.

STOPWATCH MODE—An option on some modern radar units which allows the unit to operate as a time-distance computer without using radar.

SUBPOENA—A legal document requiring a witness to attend a trial.

SUBPOENA DUCES TECUM—A legal document requiring a person to bring records or other specified evidence to court.

SUPERIOR COURT—The highest court on the local government level, usually responsible for hearing cases involving felonies.

SUSPENDED SENTENCE—A penalty from the court which is temporarily or indefinitely postponed, rather than carried out immediately.

SWITCH—One method of cheating with radar, specifically by using the radar in a time-distance mode and telling the motorist he was clocked with radar.

SWOOP—A favorite technique for catching speeders on the highway, consists of rapid acceleration down an on-ramp and into the motorist's blind spot.

TARGET—The vehicle being clocked by radar.

TARGET SPEED—The speed of a vehicle being clocked by radar.

THROUGH HIGHWAY—A highway which extends between two points without stopping, and whose side roads are controlled by stop signs or signals.

TICKET—Any citation issued for a violation of the law.

TICKET RACE—The unofficial competition that

exists between law officers in the quantity of citations which are written.

TICKET TENSION—The acute anxiety suffered by some motorists whenever they sit behind the controls of a motor vehicle.

TIME DISTANCE COMPUTER—An electronic device which determines the speed of a vehicle based on the amount of time required for that vehicle to travel a known distance.

TRAFFIC—Automobiles, trucks, buses and other vehicles, pedestrians, and herded or ridden animals which are using the highway for the purpose of travel.

TRAFFIC AND ENGINEERING SURVEY—An official study of a section of highway to examine the prevailing speeds, accident records, and other roadside conditions.

TRAFFIC CITATION—Any ticket issued for a violation of a traffic law.

TRAFFIC CODE—The laws governing the operation of a motor vehicle. Also, **VEHICLE CODE**.

TRAFFIC CONDITIONS—Usually refers to the number, density and speed of vehicles in an area.

TRAFFIC OFFICER—Any law officer whose main duty is the enforcement of traffic laws.

TRAFFIC SAFETY INDEX—The ratio between injury and fatal traffic accidents and issued citations, serves as an indication of a traffic enforcement program's efficiency.

TRAFFIC SAFETY RADAR—Radar used by law enforcement agencies to enforce speed laws.

TRAFFIC SURVEY RADAR—Radar used for statistical purposes only, usually capable of storing in-

formation on the numbers of vehicles traveling at specific speeds.

TRAFFIC VIOLATOR'S SCHOOL—Educational program conducted by some courts as an alternative to a conviction.

TRAFFIC WARNING—A written notice of a violation which does not require an appearance in court or a fine.

TRIAL—The formal examination of the facts of a case to determine the guilt or innocence of a person in a court of law.

TRIAL BY DECLARATION—A trial in which the prosecution presents no witness, but only a written statement from a witness.

TRIAL BY DEPOSITION—Same as Trial by Declaration.

TRIAL DE NOVO—A new trial scheduled by a District Court of Appeals.

TUNE-UP—A method of cheating with radar, specifically by using a tuning fork to generate a false reading on a radar unit.

TWEAKING—The illegal adjustment of a radar unit to operate outside of the bands licensed by the FCC.

UNDER SUBMISSION—The period of time in which the court is considering the case in order to make a decision.

UNIFORM VEHICLE CODE—The model law recommended by the National Committee on Uniform Traffic Laws and Ordinances for adoption in all states.

UNITED STATES CODE—The federal laws established by Congress. Also U.S.C.

U-TURN—The turning of a vehicle so as to proceed in an opposite direction.

VASCAR—Short for “Visual Average Speed Computer and Recorder,” VASCAR, a trade name, is simply a time-distance computer.

VEHICLE—Any device which is capable of transporting persons or property upon a highway.

VEHICLE CODE—The laws governing the use and operation of a motor vehicle.

VERBAL WARNING—A spoken warning of a traffic violation by a law officer. Also, **HOLLER STOP**.

VIOLATION—The failure to observe or obey a law.

VISUAL ESTIMATE—Observation of a vehicle’s speed by merely seeing the vehicle on the roadway and estimating its speed.

WARRANT—An authorization from a court for the arrest of an individual.

WAR STORY—Any funny story or tall tale told by a law officer, usually to other officers at social gatherings.

WATCH COMMANDER—The person in charge of a particular agency or station at any given time. Usually a sergeant on a small agency, or a captain or lieutenant with a larger agency.

WEATHER CONDITIONS—Any weather that affects the road surface or visibility on the highway.

WEIGHT OF TESTIMONY—The amount of credibility given to a witness.

WET TOWEL TRICK—Technique used by some officers to sneak up on speeders at night. Consists of placing a wet paper towel over one headlight to give the car a poorly maintained appearance at night.

WHISTLER—One method of cheating on radar, specifically by whistling into a CB radio to generate a false signal.

WHODUNNIT—A method of cheating on radar, spe-

cifically by clocking a vehicle traveling in the opposite direction from the one the officer has stopped.

WIPE—A method of cheating with radar on the old needle indicator types, specifically by generating static electricity on the needle face to affect the reading.

WITNESS FOR THE PEOPLE—Any witness who testifies for the prosecution, usually the officer who stopped you.

WORKING RANGE—The distance at which the use of radar is practical, usually less than 2500 feet.

X-BAND—A frequency of 10.525 Gigahertz, one of three bands authorized for the use of police radar by the FCC.



THE END

WE NEED YOUR HELP!

The Ticket Book is an ongoing project that needs your contribution. If you feel that any part of our book contains inaccurate information, or if you've uncovered information you'd like to see included in future editions, please let us know. We're also keeping tabs on law enforcement agencies and courts that are abusers of the system. If you were given a ticket or convicted under questionable circumstances, we'd like to hear about it. Although we do not give legal advice, and can't answer every individual letter, we are very interested in your experiences, questions and comments on traffic tickets and on *The Ticket Book* itself. Please be sure to include a return address on your letter or postcard and write to us in care of:

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